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ABSTRACT

This report on equal employment opportunities in agencies, offices, and departments of the State government in Alaska was submitted by the Alaska Advisory Committee to the United States Commission on Civil Rights as part of its responsibility to advise the Commission about civil rights problems within the State. The report examines recruitment, hiring, and promotion practices in the State government and State responsibility for providing equal employment opportunities and affirmative action. Information for the report was gathered from each department within the State government, the Office of the Governor, the court system, the Legislative Affairs Agency, the University of Alaska, State and Federal enforcement agencies, unions, minority and women advocacy groups, and from individual citizens. The Advisory Committee found that women and minorities are underrepresented and underutilized throughout State government. Recommendations are made for increased recruitment and training efforts, updated affirmative action plans, and improved employment opportunities. (Author/MK)

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CHANGING COMMITMENT INTO ACTION
Employment of Women and Minorities in
Alaska State Government

July 1980

ED196993

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Changing Commitment into Action

—A report of the Alaska Advisory Committee to
the United States Commission on Civil Rights.

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Alaska Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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LETTER OF TRANSMITTAL

Alaska Advisory Committee to the
U.S. Commission on Civil Rights
July 1980

MEMBERS OF THE COMMISSION

Arthur S. Flemming, *Chairman*
Mary Frances Berry, *Vice Chair*
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Louis Nuñez, *Staff Director*

Dear Sirs and Madam:

The Alaska Advisory Committee submits this report on equal employment opportunities in agencies, offices, and departments of State government in Alaska as part of its responsibility to advise the Commission about civil rights problems within the State.

This report examines recruitment, hiring, and promotion practices in Alaska State government and State responsibility for providing equal employment opportunities and affirmative action.

Information on which this report, its findings, conclusions, and recommendations, is based was gathered from each department in State government, the Office of the Governor, the Alaska Court System, the Legislative Affairs Agency, the University of Alaska, State and Federal enforcement agencies, unions representing State employees, minority and women advocacy groups, and individual citizens in the State of Alaska. The study included open meetings held in Juneau on September 11 and in Anchorage, September 13, 1978. The Advisory Committee is grateful for the assistance of Commissioner Manuel Ruiz in conducting the Juneau hearing.

The Advisory Committee found that women and minorities are underrepresented and underutilized throughout State government and recommends strongly that recruitment efforts and training programs with adequate support services be increased. Departmental affirmative action plans are currently being updated and reviewed by the EEO division, Department of Administration. These should all include interim and long range goals and timetables.

The Advisory Committee developed numerous recommendations for improving equal employment opportunities for minorities and women. They are directed toward the Governor, the State legislature, and the State departments.

There has been little monitoring by Federal agencies having jurisdiction over enforcement of affirmative action requirements, with the exception of the U.S. Office of Personnel Management, because of the isolation of the State. The Advisory Committee hopes this will improve with the location of an Alaska office for the U.S. Department of Labor, Office of Federal Contract Compliance Programs, and renewed activity of the Department of Health, Education, and Welfare's Office for Civil Rights. The Advisory Committee requests that the Commissioners urge other agencies to examine practices in Alaska—the EEOC; the Office of Revenue Sharing, Department of Treasury; and the Employment Section, Civil Rights Division, Department of Justice.

We urge you to concur with our recommendations to help improve the hiring and upward mobility of minorities and women in Alaska government departments.

Respectfully,

William Hensley, Chair
Alaska Advisory Committee

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*Daniel Lisbourne died before this report was released. The Advisory Committee is grateful for his contributions to this study and in other human rights areas.

**Appointed after the open meetings were conducted.

There seems to be a problem of finding people who qualify.
Except for the people who qualify.
Their problem seems to be finding a job.

Mary McClinton
Juneau Transcript, p. 184

ACKNOWLEDGMENTS

The Alaska Advisory Committee wishes to thank the staff of the Commission's Northwestern Regional Office (NWRO) in Seattle, Washington, for its help in the preparation of this report.

The study was the principal staff assignment of Victoria L. Squier, equal opportunity specialist. Legal assistance and review were provided by Fred Kaplan, regional attorney. Lois Hayasaka, research writer, provided editorial and research assistance prior to and after the hearings. Interview assistance was provided by Patricia Stell, equal opportunity specialist, and Joann Harris and Peter Marshall, summer interns. Phyllis Santangelo, Maria Sims, Diane King, Theresa McDonald, and Shelby Summers provided support throughout the study. All worked under the supervision of Joseph T. Brooks, Director of the Northwestern Regional Office.

Final preparation of the document for publication was the responsibility of Deborah Harrison, Vivian Hauser, Audree Holton, and Tanya Wideman under the supervision of Vivian Washington.

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Introduction

Background

In discussions of the most critical civil rights issues facing people in Alaska, the Alaska Advisory Committee and staff of the Northwestern Regional Office (NWRO) of the U.S. Commission on Civil Rights decided to focus on a study of women and minorities in State government in Alaska. Background information was collected and interviews with individuals were conducted, including State and Federal agency officials, union officials, and representatives from community groups and organizations, among whom were Alaska Native associations and individuals who have had problems gaining entry into and promotions within the State employment system. The Advisory Committee's investigation culminated in a 2-day open meeting—in Juneau, the capitol and seat of all agency commissioners, on September 11—and in Anchorage, the State's largest population center, on September 13, 1978. A statement prepared by Manuel Ruiz, Commissioner of the U.S. Commission on Civil Rights, for the open meeting reiterated the Advisory Committee's purpose:

Alaska State government is one of the largest single employers in the State and through its agencies has a responsibility to set an example in employment practices and policies that will provide equal employment opportunities for all. Through aggressive affirmative action planning, the State can lead the way for all other employers in Alaska. While all employers have a responsibility to provide equal employment opportunities, government of the people, by the people, and for the people has a special responsibility to serve as a model and provide leadership in this regard.

Many people within the State system and from organizations concerned with the advancement of minorities and women in employment furnished information to the Advisory Committee during its study. Some of the information was already a matter of public record.

The State's hiring record for women and minorities was severely criticized in a seven-page letter dated February 9, 1978, from the chairman of the Alaska State Commission for Human Rights to the Governor. The letter stated that the State's EEO program:

notwithstanding Alaska's governmental equal employment profile has made virtually no progress during the past five years. The barest handful of women have progressed beyond clerical grades. There is an embarrassing absence of minorities at all levels. One could go blind looking for women (24) and minorities (1) in the recently released list of 457 state employees making over \$40,000.

Alaska's equal employment monitoring and auditing efforts since the EEO program was established six years ago have been ill-conceived failures. . . . (We wish to stress that our criticism of the state's efforts is not directed solely at the program's present employees. The worst which could be said about them is that they have failed to correct faulty program concepts which were adopted by other than staff long before the present staff began work.)

Further deficiencies cited were that:

1. The EEO staff had never been accepted by State agencies as advisors who can help when enforcement actions are pending.
2. No reliable set of current statistics on State employment by race and sex has ever been issued.

3. Little affirmative recruitment is done.

4. State EEO has never required State agencies to prepare affirmative action plans, nor does the overall State affirmative action plan come close to commonly accepted standards for such documents. At best, it was described as "a vague catalogue of quasi-policy recommendations."

5. There is an absence of EEO training for State employees.

Warning that Alaska State government is wide open to enforcement and fund cutoffs by the Federal Government, the Alaska State Commission for Human Rights offered the following recommendations to the Governor to reform the EEO program:

1. Return the program to the Office of the Governor, from where its legal and policy authority stems.

2. By administrative order or by statute, establish the EEO committee as a policy setting body with hiring authority over staff.

3. By administrative order or statute, direct the committee to establish the elements of affirmative recruitment, analysis, planning, monitoring, consultation, and training as its underlying program.

4. Provide support to funding the program's activities at its current level for Fiscal Year 1979 and require a comprehensive budget submission in keeping with the new program for Fiscal Year 1980.

5. Request strong considerations by the committee of reconsolidating the staff in Juneau, where it would be more accessible to the Governor, commissioners, division of personnel, and personnel officers.¹

A "Report of General Government Subcommittee of Senate Finance Committee on State Employment Practices" was prepared in March 1978. The report reached the following conclusions, which were printed in the *Senate Journal Supplement*:²

1. State employment is mostly white male.

2. The higher up the pay scale, the more employment becomes almost exclusively white male.

3. There is not now and has never been an effective State EEO program.

4. An effective program requires at a minimum that the EEO office be placed in the Governor's

office, that funding be substantially increased, and that an affirmative action program be developed and implemented.

5. As one of Alaska's largest employers, State government can do the most to change employment patterns, increase employment opportunities, and eliminate racial and sexist discrimination. At the present time, State government is probably doing the least.

Complaints from individuals and groups representing minorities and women were received by Advisory Committee members and the Northwestern Regional Office (NWRO) of the U.S. Commission on Civil Rights. The Advisory Committee in this report attempts to describe the policies and practices of each State agency and make an overall assessment of the responsiveness of State government in answering these charges.

The Alaska Legislature passed Legislative Resolve No. 27 directing the chairman of the legislative council to appoint members to a blue ribbon commission to look into the revision of Alaska's personnel practices. One of the areas that the commission will examine is the State's EEO posture.

A problem that community leaders stressed during preliminary interviews was that prevalent, prejudicial attitudes toward minorities affect managerial attitudes toward their hiring and promotion. Aleuts, Eskimos, and Alaskan Indians (called Alaska Natives) are the largest minority group in the State and the targets of prejudicial community attitudes.

A 1977 study published by Rowen Group, Inc., discussed majority community attitudes toward this population. The study was conducted to measure racial discrimination as it might affect the fairness of jury members in a case where Alaska Natives were defendants. The report concluded that "two-thirds of the Anchorage community can say that Natives are different in some basic way from other Alaskans; one-quarter of the community speaks of those differences in their own words in such a way as to reveal racial bias; and another 10 percent speak in such a way as to exhibit potentiality for bias which is perhaps latent."³ For this study 251 former jury members were surveyed; 95.8 percent of them were White.

¹ Chairman of Alaska State Commission for Human Rights, letter to Governor Jay S. Hammond, Feb. 9, 1978.

² State of Alaska, Legislature, *Senate Journal Supplement*, no. 20, Mar. 15, 1978, Senator Chancy Croft, chairperson, General Government Subcommittee.

³ *Rowen Group Report*, a survey of the Anchorage community, prepared for review by the court at the request of John Anthony Smith, attorney, January 1977, p. 8.

Description of Area

Alaska is the nation's largest, northernmost State. Its borders begin some 490 miles north of Seattle, Washington, and are separated from the contiguous United States by the Canadian Province of British Columbia. The vastness of the Alaskan landmass can be seen from the fact that Point Barrow, the State's northernmost settlement, is located approximately 1,400 miles north of Metlakatla, the State's southernmost community. To the east, Alaska borders on British Columbia and the Yukon Territory, and the Aleutian Islands extend farther west than Hawaii. Within the 586,400 square miles encompassed by this area exist distinct climatic variations ranging from hot summers and cold winters of the Fairbanks area to the mild climate of southeast Alaska. The State's population is concentrated principally in the Anchorage and Fairbanks areas to the north, and in the communities of Juneau, Ketchikan, and Sitka in the southeast. Anchorage, the State's economic hub and only Standard Metropolitan and Statistical Area (SMSA) has the largest urban population, followed by Fairbanks and then Juneau, the State's capital.⁴

Map 1.1, "Major Alaska Regions," depicts the major geographic regions referred to commonly as North Slope, Northwest, Interior, Southwest, Southcentral, and Southeast. The major cities or towns are shown in each region.

Population

The original 1970 census count for Alaska was 300,382, but errors were discovered by the U.S. Census Bureau after the figure was published, and a recount was requested by local government officials. The recount showed a total of 302,173, indicating that some areas had not been counted at all in the first tabulation.

Dr. George W. Rogers, an economist with the Institute of Social, Economic and Government Research, University of Alaska, reported that the 188 residents of Napaskiak Village were not counted and only Federal Aviation Agency employees and their families were counted at Northway. Rogers alleges that many other miscounts occurred during both 1970 census counts.⁵

⁴ State of Alaska, Department of Labor, research and analysis division, Annual Planning Information Report, May 1978, sec. II, p. 2 (hereafter referred to as Annual Planning Information Report).

⁵ As reported in *Alaska Review of Business & Economic Conditions*, Institute of Social, Economic and Government Research, University of Alaska, December 1971.

The obvious discrepancies in population counts, both for Natives and non-Natives, illustrate a need for a consistent and accurate methodology. However, the Census Bureau's tables of general and detailed characteristics were not revised accordingly.⁶

Population figures and labor force participation rates in current use are difficult to work with because the categories "Other Races," "Spanish-Speaking," and "Minority Group" are not discrete, but these are the only population figures available from the State. An analysis of 1970 census statistics revealed similar data problems. The lack of accurate data on the population of the State handicaps those who are involved in developing affirmative action plans.

The 1970 U.S. Census Bureau tabulations are used as the data base for all population and labor force statistics developed by the Alaska Department of Labor (DOL). The DOL published *Labor Market Information for Affirmative Action Programs* to assist State departments. An analysis of the data in that publication indicated that the category "Spanish-Speaking" was not included in the total population count. It did, however, include the category in the total minority group count, noting that some duplication is possible, "since 'Spanish-Speaking' may include non-white races as well as white."

Problems of inaccurate counts of the Hispanic population and the effects of these inaccuracies on local programs have been well documented in numerous reports by the U.S. Commission on Civil Rights.⁷ Alaska State government has cited particular problems in trying to identify its population:

Population is one of the hardest components to measure in the Alaska economy. Because of the long time period from the 1970 census, the uniqueness of seasonal migration, and the cyclical changes in recent economic activity, very little is currently known about population composition and distribution.⁸

The 1980 census should provide more accurate data on total State population that will enable the State to provide more accurate information on racial and ethnic groups.

⁶ U.S., Department of Commerce, Bureau of the Census, *Characteristics of the Population, Alaska* (1971).

⁷ U.S., Commission on Civil Rights, *To Know or Not to Know*, (1973); *Counting the Forgotten* (1974); *Improving Hispanic Unemployment Data: The Department of Labor's Continuing Obligation* (1978).

⁸ Annual Planning Information Report, p. 2.

MAP 1.1

Major Alaska Regions



Source: *Alaska's Population and Economy*, vol. II, p. xiv, U.S. Department of Commerce, Bureau of the Census, 1970 Census.

Alaska's original inhabitants are a diverse group. The Aleuts, who traditionally lived on the 144 islands in the southwest tip of the State, number approximately 7,000. About 2,000 Aleuts live on the islands; an additional 1,600 live in the Kodiak area, 850 live around Bristol Bay, and about 800 live in Anchorage. There are two major divisions of Eskimos with a total population of 26,000. The Inupiat live in the Arctic area, and the Yupik live in the Southwest area. There are approximately 7,000 Eskimos in Bethel, 5,000 in Nome, 4,000 in the Yukon River delta, and 4,000 along the Kobuk River. About 3,000 Eskimos live in Barrow and an additional 3,000 live in Anchorage.⁹

Athabaskan Indians live primarily in the interior of the State, and Tlingits, Tsimshians, and Haidas live in the Southeast. Roughly 2,000 Indians live in the Yukon-Koyukuk region in central Alaska, an additional 2,000 live in Anchorage, and 1,100 live in Fairbanks. Because the census does not indicate specific Indian groups, we assume that most of these enclaves are Athabaskan. We assume that the majority of the 1,500 Indians in Juneau, the 1,200 Indians in Sitka, and the 1,200 Indians in Ketchikan are Tlingit, Haida or Tsimshian, based on the traditional living areas for each Indian group.¹⁰ Map 1.2 shows the regions where the various Alaska Native groups live.

The Bureau of Indian Affairs Enrollment Office in Juneau had 59,725 resident Alaska Natives on its rolls as of October 29, 1974; this number is approximately 6,500 more Alaska Natives than identified by the Alaska State Department of Labor in 1972 (53,187).¹¹

Alaska's non-Natives are as diverse as Natives and outnumber Natives by about five to one. One group is the seasonal employees who come from outside the State to fill summer jobs in canneries, on fire-fighting crews, or on pipeline construction crews.

Most non-Native Alaskans live in the urban areas of Anchorage, Fairbanks, Juneau, and Ketchikan, whereas the majority of Native Alaskans live in rural areas, based on the Alaska DOL population counts by cities.¹²

⁹ U.S., Department of Commerce, Bureau of the Census, 1970 *Census of Population*.

¹⁰ *Ibid.*

¹¹ The Alaska Native Claims Settlement Act of 1971, 43 U.S.C. §§1602-1624 (Supp. III, 1975), mandated that the Secretary of the Interior be responsible for preparing the Alaska Native Roll, which is the legal record of all Natives entitled to benefit from the act. The Secretary delegated this responsibility to the Bureau of Indian Affairs. A Native is defined by sec. 1602 of the act as "a citizen of the U.S. who is a person of one-fourth

The majority of non-native rural residents live in various distribution and service centers such as Barrow, Bethel, and Nome. Native rural residents live for the most part in approximately 250 villages scattered over Alaska's 556,000 square miles. Many of these villages have an approximate population of 200. Approximately 205,000 non-Natives in Alaska live in urban areas, while fewer than 75,000 live in rural areas. Three-fourths (45,000) of the Native population live in rural Alaska.¹³

The 1978 population estimates for Alaska were: total male 223,379, total female 187,621, total minority 87,042, with an overall total of 411,000.¹⁴

Labor Market Information for Affirmative Action Programs—1976

Detailed labor force statistics issued by the Alaska DOL where minority categories are shown as white, black, other races, and Spanish speaking lack separate information for Alaska Natives, Asians, and Hispanics. The "Other" category includes American Indians, Eskimos, Aleuts, and "Orientals."¹⁵

The lack of adequate, consistent, and separate statistical details for the Aleuts, Eskimos, American Indians, Asians, and Hispanics can have a significantly adverse impact upon these groups in affirmative action planning and programming:

If two or more "other" groups reside in a given geographical area as in Alaska, even the use of an "other" category may not be sufficient to display data on program beneficiaries. In such instances, the use of only a single category for "all other" groups could result in the combination of groups with diverse characteristics, needs and problems. Although numbers in any of these groups may be too small to require separate enumeration on a national scale, local requisites for data with regard to these groups may be significant. Programs should be encouraged to collect data to meet program needs in the geographical area, regardless of the national categories. To date, however, most program managers have not made provisions for these measurements at the local level. This results in a severe dearth of information for compliance

degree or more Alaska Indian . . . Eskimo or Aleut blood, or any combination thereof."

¹³ Background information gathered by the Western Regional Office of the U.S. Commission on Civil Rights in preparation for an Alaska seminar in Seattle, Wash., Feb. 6-7, 1975.

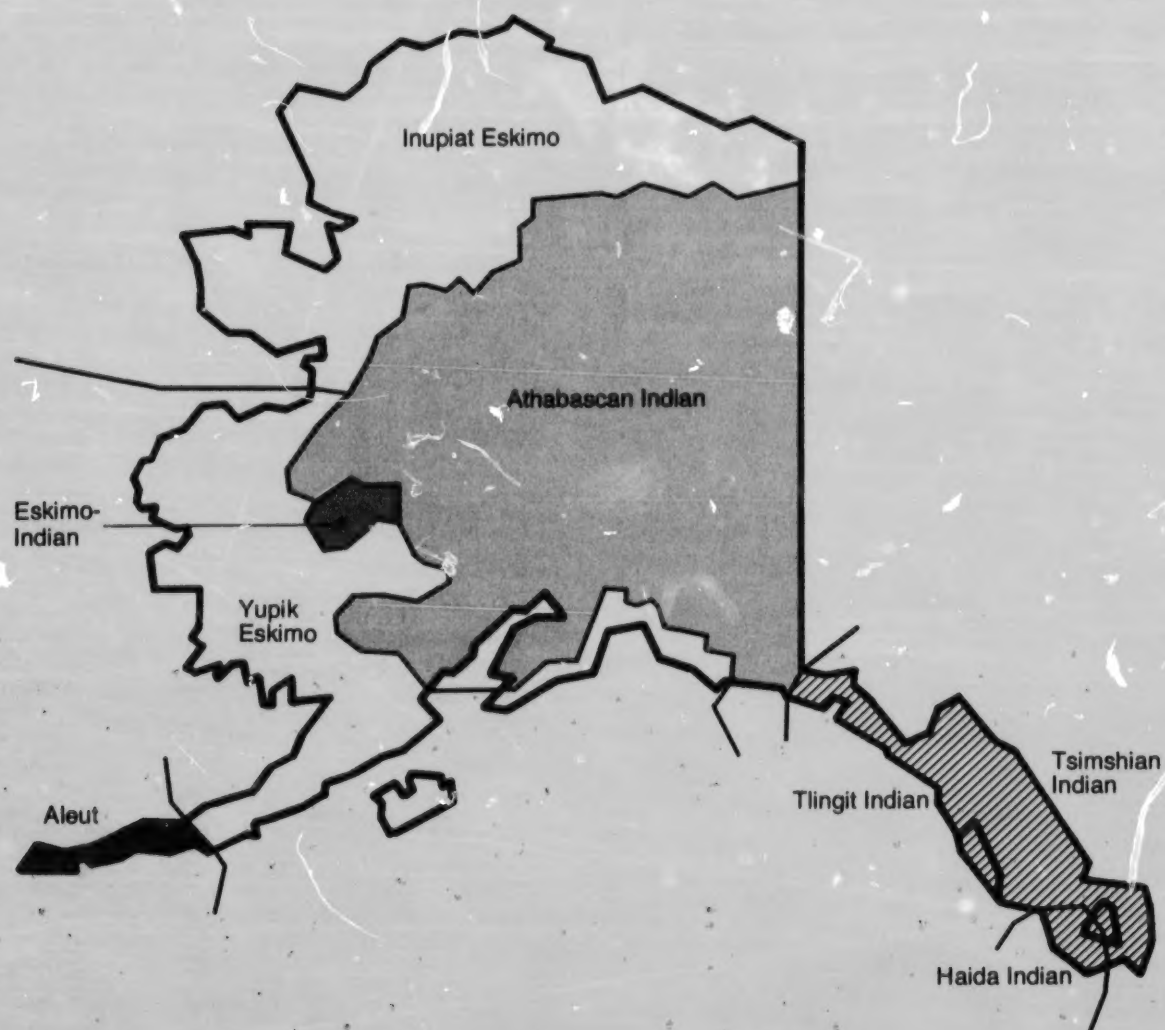
¹⁴ 1970 U.S. census.

¹⁵ Annual Planning Information Report, pp. 4-5.

¹⁶ The U.S. Commission on Civil Rights uses the categories "Asian and Pacific Island Americans" and "Hispanics."

MAP 1.2

Alaska Native Groups by Region



Source: *The Challenge of Change*, Alaska Legal Services Corporation, 1973.

TABLE 1.1**Labor Force Participation Rates of Women In the United States and Alaska**

	1960	1970	1980	1990
	Percent	Percent	Percent Change	Projected Percent
Female Population of the U.S., 16 and over	37.8	43.4	15.0	46.5
Female Population of Alaska, 16 and over	39.6	46.2	17.0	N/A

Source: U.S. Department of Commerce, Bureau of the Census, *Detailed Characteristics, Alaska, 1960*, table 116; *Detailed Characteristics, Alaska, 1970*, table 164; and U.S. Department of Labor, *1975 Manpower Report of the President*, table 1.

review or affirmative action with respect to these groups.¹⁶

Work Force Statistics

The Alaska DOL noted that the Alaska Natives, both men and women, experience unemployment at about double the rate for the population as a whole.¹⁷ However, the work force tables do not have separate data for Alaska Natives.

A study conducted by the Human Resources Planning Institute of Seattle, Washington, noted that a disproportionate number of Alaska Natives are either unemployed or underemployed, and there is a pronounced State migration of Alaska Natives from the northern and western sections of the State to Anchorage, with smaller numbers moving to Fairbanks, Nome, Barrow, and Kotzebue. According to this study:

Native migration to Alaska's larger cities will intensify their traditional employment/unemployment problem. In the past, native subsistence patterns have kept them from

being considered as part of the state's workforce, thus native unemployment has consistently been undercounted. Living in the larger towns where department of labor services will be more accessible to them, for the first time, natives will be more accurately counted in employment statistics and the previously hidden native unemployment will become more visible.¹⁸

A study pertaining to the status of women in Alaska contained the following information on labor force participation of women in Alaska compared to women throughout the United States.¹⁹ Table 1.1 shows that by 1970, 46.2 percent of Alaskan women, 16 years and older, were in the labor force. For the U.S. this rate of participation was predicted for 1990.

An analysis of State government statistical employment data shows that in 1977 women represented 48 percent of the total work force, but they were concentrated at the lower occupational levels. Their representation within professional, managerial, and

¹⁶ U.S., Commission on Civil Rights, *To Know Or Not to Know* (1973), p. 33.

¹⁷ U.S., Department of Labor, *Labor Market Information for Affirmative Action Programs*, 1976, p. 1.

¹⁸ Human Resources Planning Institute with Urban and Rural Systems Associates, *Pipeline Impact Brief of the Manpower and Employment Impact*

of the Trans-Alaska Pipeline, p. 12. (The study is undated, but deals with employment forecasts for the period of 1974-1980.)

¹⁹ *A Preliminary Study: The Status of Women in Alaska*, compiled by the University of Alaska, Institute for Social and Economic Research, and Joan Katz for the Alaska State Commission for Human Rights, January 1977.

executive positions constituted only 16 percent of the total workers in those categories with some departments having as little as 1 percent female representation. The employment representation of minorities in all categories was only 8 percent; 2 percent of this total was at the professional, managerial, and executive levels.

There are indications that, instead of moving forward with the hiring and promotion of minorities and women, there has been a regression in their employment within State agencies. In 1973 minorities constituted 18 percent of the work force within State agencies; in 1977 that percentage had been

reduced to 8 percent. One possible explanation for the reduction is that the State has had several administrative changes since 1973 and the major employer of minorities, the school district, is no longer considered a State employer.

Data for 1978 was developed for each department of State government for this study to show the distribution of State employees by race, ethnicity, and sex in grouped salary ranges. Based on this data, of a State work force in 1978 of 59,353, 6.7 percent of the males were minority and 1.3 percent of the females were minority.

Agencies Responsible for Equal Employment Opportunity in Alaska

Equal employment opportunity is the law of the land. In the public sector of our society this means that all persons regardless of race, color, religion, sex, or national origin, shall have equal access to positions in the public service limited only by their ability to do the job. There is ample evidence in all sectors of our society that such equal access frequently has been denied to members of certain groups because of their sex, racial, or ethnic characteristics. The remedy for such past and present discrimination is twofold.

On the one hand, vigorous enforcement of the laws against discrimination is essential. But equally, and perhaps even more important, are affirmative, voluntary efforts on the part of public employers to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial, or ethnic characteristics. Without such efforts equal employment opportunity is not more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by Title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations—all of which emphasize voluntary action to achieve equal employment opportunity.¹

Alaska Governor Jay S. Hammond has declared his firm commitment to achieving equality of opportunity in State employment. He directed each department of the State government (1) to eliminate discrimination on the basis of race, color, creed, religion, sex, national origin, age, physical or mental handicap, marital status, changes in marital status, pregnancy, and parenthood; (2) to actively recruit and develop the careers of minorities and women until both are fairly represented at all levels of government; and (3) to ensure the equitable administration of all State personnel rules, regulations, and statutes.²

¹ Equal Employment Opportunity Coordinating Council, "Policy Statement on Affirmative Action Programs for State and Local Government Agencies," 41 *Fed. Reg.* 38,814 (1976), reaffirmed in the Uniform Guidelines on Employer Selection Procedures, 43 *Fed. Reg.* 38,290 (1978), to be codified at 41 C.F.R. §§ 60-3.1-60.3.18 and 29 C.F.R. §§ 1607.1-1607.18.

The agencies responsible for developing, monitoring, or enforcing EEO in the State are described in this chapter.

Division of Equal Employment Opportunity, Department of Administration

The State EEO office was established in 1972 as a result of a grant from the U.S. Civil Service Commission.³ Its primary duties are to:

- develop a written affirmative action plan for the State of Alaska and update it annually,
- coordinate the programs established under the plan,

² *State of Alaska Affirmative Action Plan*, Mar. 16, 1977.

³ Glenn Campbell, director, State EEO office, interview in Anchorage, Dec. 13, 1977.

- analyze pertinent statistical data,
- assist agency heads in meeting their responsibilities under the plan,
- maintain liaison with minority and women's organizations capable of referring qualified applicants for State employment,
- review State employment practices on a regular basis to identify and modify or eliminate any discriminatory practices,
- prepare an annual report on affirmative action in State government,
- provide EEO training for State employees, and
- investigate complaints relating to equal employment opportunities.⁴

Governor's Equal Employment Opportunity Advisory Committee

The Equal Employment Opportunity Advisory Committee, which represents a cross section of the State's population (1) makes EEO program recommendations to the Governor through the commissioner of administration; (2) advises the commissioner on the effectiveness of the EEO office; and (3) reviews and makes recommendations on the annual statewide affirmative action plan.⁵

The EEO Advisory Committee was established by executive order of the Governor in 1970. Legislation has been proposed that would establish the State EEO office and the advisory committee by statute, but the bill, introduced by the State Affairs Committee in the 10th legislature, was not acted on.

On February 21, 1978, the EEO Advisory Committee recommended that:

1. the Governor appoint a commission on the status of women;
2. the commissioner of administration instruct the director of EEO to assign an EEO staff member the primary responsibility for attention to the status of women in Alaska State government in conjunction with other regular duties;
3. the Department of Education support adequate accreditation of bilingual teachers, including employment and an appropriate wage and salary scale;

4. the Governor "direct" that the legislature increase the funding for the EEO program;
5. the EEO office reevaluate State employment examinations, together with an evaluation of the administering of the tests; and
6. the EEO Advisory Committee reiterate its former concern and request that the Juneau office of EEO be moved to a location that will ensure privacy and confidentiality for those persons wishing to avail themselves of EEO's services, and to further the scope of this operation.⁶

Alaska State Commission for Human Rights

The Alaska State Commission for Human Rights enforces the State human rights law that prohibits job discrimination by employers, labor unions, and employment agencies because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.⁷ Charges received by the U.S. Equal Employment Opportunity Commission (EEOC) that are within the jurisdiction of the Alaska commission are deferred to that agency.⁸

The Alaska State Commission for Human Rights is charged with broad responsibilities to: (a) study and report on problems of discrimination; (b) receive and investigate complaints of illegal discrimination from individuals; (c) eliminate alleged discriminatory practices by informal methods of conference and conciliation when possible and, when not, hold administrative hearings; and (d) issue remedial orders when allegations of discrimination are proven. In addition, the Alaska commission has authority to activate the administrative machinery on its own initiative by filing a formal complaint when evidence of unlawful discrimination comes to its attention.⁹

Employers subject to the State human rights law must maintain records on age, sex, and race, and make statistical compilations available to the general public.¹⁰ The State, its political subdivisions, schools, colleges, and universities, which are subject to EEOC reporting requirements, may file copies of

⁴ *State of Alaska Affirmative Action Plan*, Mar. 16, 1977, pp. 2-3.

⁵ Draft bylaws, Governor's Equal Employment Opportunity Advisory Committee, Jan. 7, 1977.

⁶ Minutes of Feb. 21-23, 1973, meeting of the Governor's Equal Employment Opportunity Advisory Committee, Mar. 2, 1978.

⁷ Alaska Stat. § 18.80.220(a).

⁸ Alaska State Commission for Human Rights and Seattle District Office of the Equal Employment Opportunity Commission, Apr. 2, 1975. Agreement on Procedures for Administratively Processing Deferred Charges of Employment Discrimination.

⁹ *Hotel, etc., Union Local 879 v. Thomas*, 551 P2d. 942 (Alaska 1976).

¹⁰ Alaska Stat. § 18.80.220(b).

Federal EEOC reports with the Alaska commission in lieu of submitting separate reports.¹¹

The Alaska equal pay for women law forbids sex discrimination in the payment of wages.¹² Wage rates include accommodation for board, room, and other advantages when they are furnished for the convenience of the employer. The Alaska Department of Labor, the State attorney general, or affected employees may bring an action to enforce this law.

The director of the Alaska State Commission for Human Rights analyzed complaints involving the State that had been filed through the fall of 1978. His detailed analysis is on the following two pages.

Office of the Ombudsman, State of Alaska

The ombudsman's office was created in the State's legislative branch to serve two functions: (1) to receive complaints from the public against government agencies, officials, and employees and to investigate and act upon such complaints; and (2) to improve public administration. The office, however, has no power to punish maladministration, reverse administrative decisions, or otherwise compel implementation of its recommendations.¹³

Jurisdiction of the office extends to administrative actions, omissions, decisions, practices, and procedures of State agencies of government. The ombudsman is prohibited from investigating complaints against the Governor, the legislature, court judgments, Federal agencies, or private companies or persons.¹⁴

Anchorage Equal Rights Commission

The Anchorage Equal Rights Commission was created at the time of the unification of the city and the borough of Anchorage.¹⁵ The equal rights ordinance parallels State law prohibiting discrimination in employment because of race, religion, age, sex, color, national origin, marital status, physical handicap, pregnancy, or parenthood.¹⁶ The State and municipal commissions coordinate their activities pursuant to a memorandum of understanding.¹⁷

¹¹ 6 Alaska Admin. Code, §30.130(a).

¹² Alaska Stat. §23.10.155.

¹³ State of Alaska, State Commission For Human Rights, 1978 *Annual Report*, pp. 31-33.

¹⁴ U.S., Commission on Civil Rights, *Recent Developments, New Opportunities in Civil Rights and Women's Rights*, June 29-July 1, 1977, p. 105.

¹⁵ Alaska Blue Book 1977, p. 104.

¹⁶ Anchorage Ordinance No. 203-76, as amended.

of 1975 and are currently acting under a verbal agreement.

The Anchorage commission has the power to hold public hearings; to issue orders proscribing discriminatory conduct and granting equitable relief such as the hiring, reinstatement, or upgrading of an employee or group of employees with or without back pay; to monitor compliance with orders; and to obtain judicial enforcement of orders.¹⁸

Vincent Casey, director of the Anchorage Equal Rights Commission, told the Alaska Advisory Committee that the commission handled 60 formal complaints from September 1977 to September 1978 and that 75 percent of the caseload involved employment discrimination complaints, approximately 55 percent on the basis of sex and the remainder on the basis of race. The commission has implemented a new approach of conducting factfinding conferences to speed up the complaint process. If the complaint is not resolved at that level, further investigation is conducted. If "probable cause" is found, reconciliation is attempted. If that fails, a public hearing is scheduled. The agency has resolved some complaints where a cash settlement has been awarded and the respondent has been reimbursed back pay differential. The municipal agency can file a suit on behalf of a complainant and had done so four times in the preceding 14 months (as of September 1978). Through its verbal agreement with the Alaska State Commission for Human Rights, the municipal agency will work with the State agency to determine which agency will handle the complaint. The State commission will usually hold off for the first 180 days, allowing the municipal agency time to resolve the complaint if the complainant has filed with both agencies.¹⁹

U.S. Equal Employment Opportunity Commission (EEOC)

The EEOC enforces Title VII of the Civil Rights Act of 1964, which bars job discrimination based on race, national origin, sex, or religion by public and private employers, labor unions, and employment agencies.²⁰ Complaints of unlawful employment practices are received by EEOC, and when "reason-

¹⁷ State of Alaska, State Commission for Human Rights, 1978 *Annual Report*.

¹⁸ Memorandum of Understanding Between Alaska State Commission for Human Rights and City of Anchorage Human Relations Commission, February 1975.

¹⁹ Alaska Stat. §24.55.

²⁰ Alaska Advisory Committee, open meeting, Sept. 11, 1978, Juneau, transcript, pp. 114-16.

We have received 200 employment cases against the state during this time frame, including those which were on file as of January 1, 1975, when our recordkeeping system was put in place. The comparable figure for our total employment caseload during this period is 2,162. (Employment discrimination is alleged in four out of five cases.) Thus, the state accounts for approximately 9.3% of our employment discrimination complaints. The proportion of the Alaska non-farm workforce employed by the state has fluctuated between eight and nine percent during this time, indicating that the state is probably getting about its fair share of complaints.

We can analyze these 200 cases as to the basis for the alleged discrimination and compare it with statewide filings:

Basis	Percent of Total Allegations	
	State	Total Cases
Race	36%	39%
Sex	34%	29%
Handicap	8%	5%
Marital Status	3%	3%
National Origin	6%	7%
Age	9%	5%
Other (Parenthood, Retaliation, Religion)	4%	12%

This indicates to me that the types of complaints we receive involving the state follow the general pattern of all complaints.

We can also share with you the issues alleged in this group of state cases:

	State
Failure to hire	34%
Discharge	14%
Promotion	6%
Terms & Conditions	8%
Unequal Pay	3%
Demotion	5%
Other & not listed	37%

We do not track this data separately for all employment complaints, although it could be retrieved from the computer if necessary. We have reason to believe that the state's pattern is not strikingly different from the statewide pattern.

Turning to cases which have been closed since January 1975, we can show you what the final actions were, compared with statewide data:

Closing Action	Percent of Total Closings	
	State	Total closings
Failure of Complainant to cooperate/proceed	13%	25%
Conciliation/Settlement	17%	23%
No Probable Cause	25%	17%
Administrative Dismissal	10%	9%
Complainant Unavailable	10%	9%
Other (withdrawals, not timely, lack of jurisdiction, filed in court)	25%	9%

Here the state's pattern differs somewhat from statewide totals indicating a higher rate of withdrawals balanced against a lower rate of people failing to stay in touch with us. Our no cause finding rate against the state is slightly higher, but I would hesitate to attach statistical significance to the difference.

Here is a breakout of the filing rates against major departments during this three and a half year time frame:

Transportation: (including Highways and Marine Transportation)		31 = 15%
Labor		13 = 6%
Education		12 = 6%
Public Safety		14 = 7%
Public Works		17 = 8%
Health & Social Services		51 = 24%
Corrections	25	
API	8	
Social Services	4	
Public Assistance	6	
Other	8	
Fish & Game		10 = 5%
Other Departments		52 = 30%
(less than 10 complaints each)		
		200

These figures do not necessarily indicate where the most discrimination is present. A department with many minorities is more likely to get complaints, particularly about upgrading, terms and conditions, and discharge and demotion than a department with none.

able cause" is found, conciliation is attempted. If the respondent is a public sector employer and no conciliation agreement can be reached, the case may be referred to the U.S. Attorney General. Only the complainant or the Attorney General, and not EEOC, may bring an action in Federal court against a public sector employer.³¹

Employers covered by Title VII are required to keep records and file reports with EEOC on employment by ethnicity, sex, occupation, and salary range. State and local governments file an EEO-4 form annually with EEOC;³² elementary and secondary school districts file an EEO-5 form annually with EEOC;³³ and institutions of higher education file an EEO-6 form biennially with EEOC.³⁴ Title VII does not apply to elected officials, to their personal assistants or immediate advisors, or to appointed heads of executive departments.³⁵

The Equal Pay Act of 1963 prohibits employers from paying unequal wages based on sex.³⁶ Title VII contains a much broader ban on sex discrimination. In order to minimize overlap and centralize enforcement of statutory prohibitions against sex discrimination in employment, responsibility for enforcing the Equal Pay Act was transferred from the Department of Labor to EEOC, effective on July 1, 1979.³⁷

A representative from EEOC was unable to attend the Advisory Committee's open meeting and submitted the following information of their activities in Alaska in response to a written request:

This office has a good working relationship with the Alaska State Human Rights Commission, which is a 706 agency. Under current commission procedures and our work sharing agreement with the Alaska State Human Rights Commission, any charges that are initially received by them filed by complainants in that state are processed by that commission; unless Alaska desires to waive jurisdiction, wherein EEOC will then process the charges. Any charges that are initially received by the Seattle District Office of the Equal Employment Opportunity Commission filed by complainants located in the state of Alaska are initially processed by EEOC.

Upon conclusion of the Alaska State Human Rights Commission's processing of a charge,

this office will review the results of their findings or other actions consistent with EEOC's compliance standards, and adopt the state's findings where appropriate. In the event the findings are not adopted, this office will then resort to processing of the charges.

The EEOC conducts investigations by gathering as much information as is necessary to make a determination about a particular kind of alleged issue. Such information will include day to day personnel and other records, introduce statements from charging party's witnesses, respondent's witnesses, and other parties that may have pertinent facts and information relative to the issues. The information that is collected is then analyzed; and based on the analysis consistent with appropriate areas of discrimination, the EEOC then issues findings and conclusions to all affected parties as to whether the charge is meritorious. If the charge is non-meritorious, the matter is dismissed as a no reasonable cause finding. In the event that the charge is deemed meritorious, a finding of reasonable cause to believe that discrimination occurred is issued and the parties are invited to resolve the matters through conciliation, which is voluntary.

This office has not conducted any equal employment opportunity studies with respect to state governments.³⁸

Staff of the Northwestern Regional Office (NWRO) of the U.S. Commission on Civil Rights examined EEOC records on cases filed with EEOC in Seattle and found a total of 56 cases filed. Of these cases, 11 were filed against marine transportation and highways and public works in the Department of Transportation; 11 against the Department of Health and Social Services, with an additional 3 against the division of corrections in that department; 10 against the University of Alaska; 6 against the Department of Public Safety; 3 against the Department of Labor; 3 against the court system; 3 against the Department of Administration; and 1 each against the Departments of Education, Community and Regional Affairs, Environment, and Military Affairs on the basis of race and sex discrimination.

³¹ 42 U.S.C. § 2000e-2.

³² 42 U.S.C. § 2000e-5(f).

³³ 29 C.F.R. § 1602.30.

³⁴ 29 C.F.R. § 1602.39.

³⁵ 29 C.F.R. § 1602.48.

³⁶ 42 U.S.C. § 2000e(f).

³⁷ 29 U.S.C. § 206(d)(1).

³⁸ Exec. Order No. 12,144 (1979).

Employment Section, Civil Rights Division, U.S. Department of Justice

The Attorney General's primary responsibilities under Title VII are: (1) to bring suit against State and local governments where EEOC has been unable to conciliate individual charges of discrimination,²⁹ and (2) to initiate litigation against public sector employers engaged in a pattern or practice of resistance to equal employment opportunity.³⁰

After evaluating a Section 706 referral, the Attorney General must either litigate or issue a right-to-sue letter to the complainant. "Pattern or practice" lawsuits (Section 707) may be initiated when there is a large disparity between the representation of minorities or women in a governmental employer's work force and their representation in the work force in the employer's geographic location. Although most "pattern or practice" actions have been against police and fire departments, there have also been suits against public utilities, city and county governments, and the State government of Alabama.³¹

Federal Highway Administration (FHWA), U.S. Department of Transportation

FHWA requires State highway agencies to assure the equality of employment opportunity without regard to race, color, religion, sex, or national origin in its own work force in the performance of federally-assisted construction contracts. Each State highway agency must prepare and submit an annual equal employment opportunity program that must include: (1) the collection and analysis of internal employment data for its entire work force, and (2) a written affirmative action plan detailing the positive steps to be taken.³²

Office of Revenue Sharing (ORS), U.S. Department of Treasury

ORS administers a program that redistributes Federal funds to approximately 39,000 State and local governments under the State and Local Fiscal Assistance Act of 1972. If a government fails to

comply with the nondiscrimination provision of the act, payment of funds must be suspended.³³

In the areas of employment, a recipient government may not utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination on the basis of race, color, national origin, sex, age, handicapped status, or religion or of perpetuating the results of past discriminatory practices. Compliance reviews of recipient governments are scheduled by ORS, giving priority to any recipient government that shows a significant disparity between the percentage of minorities and women in the relevant work force and the percentage of minority and women employees in the applicable government.³⁴ No compliance reviews have been conducted in Alaska.³⁵ Under the Revenue Sharing Act, the Alaska State government has received the following amount of money:³⁶ \$2.6 million in FY 1974 and again in FY 1975, \$3 million in FY 1976, \$4 million in FY 1977, \$6 million in FY 1978, and \$7.8 million in FY 1979.

Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, U.S. Department of Labor

OFCCP coordinates enforcement of Executive Order 11246, which prohibits discrimination in employment on the basis of race, national origin, sex, or religion and requires affirmative action by all contractors of the Federal Government. Under Revised Order No. 4, an acceptable affirmative action program must include a utilization analysis indicating areas where the contractor underutilizes minorities and women, goals and timetables for correcting this underutilization, and precise procedures for implementation.³⁷ However, State and local government contractors, with the exception of medical and educational facilities, are exempt from these requirements.³⁸

Prior to October 1, 1978, the Director of OFCCP assigned compliance responsibility for all contractors in the State of Alaska to the U.S. Department of

²⁹ W.P. Brown, Compliance Manager, EEOC, Seattle District Office, letters to Joseph T. Brooks, Director, Northwestern Regional Office, U.S. Commission on Civil Rights, Dec. 14, 1978, and Sept. 19, 1979.

³⁰ Section 706(f) of Title VII, 42 U.S.C. § 2000e-5(f).

³¹ Section 707 of Title VII, 42 U.S.C. § 2000e-6.

³² U.S. Commission on Civil Rights, *To Eliminate Employment Discrimination: A Sequel. The Federal Civil Rights Enforcement Effort—1977* (December 1977), p. 270.

³³ 23 C.F.R. § 230.311.

³⁴ 31 U.S.C. § 1242.

³⁵ 31 C.F.R. § 51.53(e).

³⁶ Johnny Franklin, Civil Rights Division, Office of Revenue Sharing, Department of the Treasury, telephone interview, Aug. 31, 1978.

³⁷ Fred Williams, State Coordinator, Intergovernmental Relations Division, Office of Revenue Sharing, Department of the Treasury, telephone interview, Aug. 14, 1978.

³⁸ 41 C.F.R. §§ 60-2.1-60-2.32.

Interior, but the U.S. Department of Transportation's Federal Highway Administration continued to have responsibilities for highways in Alaska.³⁹ As of October 1, 1978, the Federal contract compliance program was consolidated into OFCCP.⁴⁰ Thomas Canfield, was appointed area office director of OFCCP in Alaska. This marks the first time that there has been an onsite compliance officer from the Department of Labor. Interior's authority extended to subdivisions of State and local governments in Alaska that participated in work on a Federal contract.⁴¹ Compliance reviews have been conducted by Interior on the State departments of Public Safety, Education, Fish and Game, Health and Social Services, the division of aviation, and the State-operated schools.⁴²

Office for Civil Rights (OCR), U.S. Department of Health, Education, and Welfare

OCR administers Title VI of the Civil Rights Act of 1964 which prohibits discrimination because of race, color, or national origin in any program that receives Federal financial assistance.⁴³ HEW is concerned with Federal grant programs in public assistance, aid to education, and public health research and services. It also administers Title IX of the Education Amendments of 1972 that prohibit discrimination because of sex in any education program or in admission to any health training program benefiting from Federal assistance.⁴⁴

A representative from HEW was unable to attend the Advisory Committee's open meetings and submitted the following information of their activities in Alaska in response to a written request:

We have three investigative Divisions within our Office—Post Secondary Education, Elementary and Secondary Education, Elementary and Secondary Education, and Health and Human Development.

The Post Secondary Education Division has completed two investigations of complaints alleging discrimination in employment practices by the University of Alaska. One alleged discrimination on the basis of sex; the other, on the basis of race and sex. The University was found

to be in compliance in the former complaint; the latter complaint was withdrawn before we issued our findings (which would also have been no cause).

The Elementary and Secondary Education Division has had no complaints investigation concerning employment. However, we did conduct lengthy negotiations with the Alaska Department of Education concerning bilingual education service. I would note that of all the employees and representatives of ADOE with whom we worked, only two were not white males (one minority female and one non-minority female).

Our Health and Human Development Division has not had employment related cases in Alaska. The Division's resources for the last two years have been shifted to the Education Division to assist with the backlog of cases there.⁴⁵

Bureau of Intergovernmental Personnel Programs (BIPP), U.S. Office of Personnel Management

BIPP is charged with administering merit system standards set forth in the Intergovernmental Personnel Act of 1970 and monitoring compliance of State and local governments with those standards. The act provides for grants to State and local governments for the purpose of extending and strengthening their personnel administration systems.⁴⁶

Robert A. McBride, Chief, Intergovernmental Personnel Program Division, U.S. Office of Personnel Management (formerly the Civil Service Commission), Region X, prepared a statement on OPM's EEO oversight responsibilities for State and local agencies in Alaska for the Alaska Advisory Committee prior to the open meeting, since he was unable to appear in person. Portions of that statement are excerpted below.

In the Intergovernmental Personnel Act (IPA), the Congress declared "the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as:

- (5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation,

³⁹ 41 C.F.R. § 60-1.5(a)(4).

⁴⁰ Order No. 1 (Revised) of Apr. 7, 1978, as amended on May 25, 1978.

⁴¹ President's Reorganization Plan No. 1 of 1978, 43 Fed. Reg. 19,807 (1978).

⁴² Patricia T. Mayo, EEO Regional Manager, Department of Interior, memorandum, Feb. 6-7, 1975.

⁴³ Patricia T. Mayo, interview, Anchorage, Mar. 9, 1978.

⁴⁴ 42 U.S.C. § 2000d.

⁴⁵ 20 U.S.C. § 1681.

⁴⁶ Virginia A. Balderama, Acting Director, Office for Civil Rights, Department of Health, Education, and Welfare, Region X, letter to Joseph T. Brooks, Regional Director, NWRO, Dec. 20, 1978.

race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; [42 U.S.C. §4701(5)].

This principle along with the other "IPA Merit Principles" has guided the Commission's program of assistance to State and local governments and Native American governments.

Merit System Standards—The IPA transferred the administration of the Standards for a Merit System of Personnel Administration (45 CFR Part 70) from the Department of Health, Education, and Welfare to the Civil Service Commission. New standards were issued on February 16, 1979, which strengthened the EEO and affirmative action requirements. These standards apply to a number of Federal grant-aided programs in State and local governments, primarily in health, social service and employment programs, occupational safety and health and emergency services (civil defense). The appendix to the standards lists all programs presently covered.

In Alaska, the agencies subject to the Merit System Standards include the Department of Labor—divisions of employment and occupational safety and health, Department of Health and Social Services, Alaska disaster office and the State personnel division.

The Merit System Standards require that "equal employment opportunity will be assured for all persons by those actions appropriate to overcome the effects of past or present practices, policies or other barriers to EEO." The standards also prohibit discrimination in all aspects of personnel administration⁴⁷ and require the development and implementation of affirmative action for personnel services provided to and within grant-aided agencies.⁴⁸

The EEO role of the Office of Personnel Management is primarily one of advice and assistance. Under Title VI of the Civil Rights Act and the IPA grant program, OPM does have the authority to withhold or terminate grant funds, but cannot otherwise regulate State and local EEO activities. Enforcement authority in cases of noncompliance with the Merit System Standards rests with the Federal grantor agencies, primarily the U.S. Department of Health, Education, and Welfare and the U.S. Department of Labor.

⁴⁷ 42 U.S.C. §§ 4701-4772.

The Office of Personnel Management has provided a variety of assistance to the State of Alaska, including:

- An IPA grant in 1972 to support a review of the State merit system to determine how responsive it was to the employment needs of minorities. This grant contributed to development of affirmative action programs in State agencies and to the establishment of a State EEO office.
- Grants in the past 2 years to the Alaska State Commission for Human Rights to support specialized training of their staff and staffs of local jurisdictions.
- Technical assistance to the State EEO office periodically to aid in developing guidelines for affirmative action planning and monitoring of agency EEO programs. (The value of this assistance has been diluted due to frequent turnover in the State's top EEO position.)
- Participation in or cosponsoring of workshops on EEO and affirmative action for State and local officials.
- Assistance to the State personnel division in the development of Alaska State trooper examinations after the previous examinations had been discontinued as a result of EEO complaints with the Alaska State Commission for Human Rights.
- Onsite reviews of grant-aided agency personnel and EEO programs to determine compliance with the Merit System Standards. Reviews of agency affirmative action plans have resulted in a number of recommendations designed to improve the plans.

A recent review by OPM of the State Department of Labor indicates that significant improvements have been made in the affirmative action program since their last review in December 1977. Significant improvements have also been made recently in the affirmative action plan of the Department of Health and Social Services. OPM activities in Alaska and other States include the following:

- The Commission [OPM] provides a variety of technical assistance materials, one of which, *Guidelines for the Development of an Affirmative Action Plan*, BIPP 152-161, has been widely distributed and is continually requested by State and local agencies. This document has also been endorsed by the Federal Regional Council for

⁴⁸ 5 C.F.R. § 900.607-1.

use by its member agencies in State and local activities.

- The Commission provides assistance in development of selection systems and validation of selection methods in accordance with the proposed Uniform Selection Guidelines.

- The Commission has been the lead agency for the Federal Regional Council in a project to

improve consistency of Federal EEO guidance and improve coordination between Federal agencies in review of State and local EEO compliance. This project included the conduct of an informal hearing in Juneau with Alaska officials to hear their concerns on Federal EEO activities. A set of recommendations on this effort is being distributed to State and local agencies by the Regional Council.

State EEO Responsibility—Division of Equal Employment Opportunity

The nine primary duties of the Alaska Division of Equal Employment Opportunity, listed in chapter 2, are described below. Some of the division's problems in performing these duties as well as the Alaska Advisory Committee's assessment of them are also addressed.

1. Develop a written affirmative action plan for the State of Alaska and update it annually.

The Division of Equal Employment Opportunity completed updating its affirmative action plan for the State on December 1, 1978. (The plan is a public document and is available for review upon request.) The plan serves as a model for each State department and is to be used as a guideline for writing and implementing affirmative action plans and programs. Each department must develop its own plan tailored to department needs. Plans are required to address, as a minimum, all topics in the guidelines and include other necessary materials according to the needs of individual departments.

The introduction to the guide sets forth the purpose of the plan, requires inclusion of executive branch policy directives, gives Federal and State legal requirements for affirmative action and equal employment opportunity, proclaims the goal of equality of employment in State government, and calls for the development of department goals. The second section lists the responsibilities by describing the role of the Governor; the Governor's Equal Employment Opportunity Committee; the directors of the divisions of equal employment opportunity, personnel, and labor relations; department commis-

sioners; division directors; supervisors; and the unions. The third section discusses internal and external dissemination of the plan. The fourth section, entitled "Introduction to EEO Statistics," was written to communicate the approach the departments will use in setting goals and timetables that have been developed to address the unique needs of Alaska. The next section is split into two parts, internal and external analysis.

The first part of the plan, Section VA, calls for the compilation of data on the department work force. It requires the following information:

- A. Current Status of Employee Race/Sex Distribution by Salary Range.
 - 1. State work force.
 - 2. Department work force.
- B. Overview of Employment Trends in State Work Force/Department Work Force.
 - 1. Pattern of minority employment.
 - 2. Pattern of female employment.
- C. Current Status of Race/Sex Distribution by Individual Job Classification.
- D. State Work Force Turnover by Major Job Category.
 - 1. New hires by race/sex.
 - 2. Termination by race/sex.
- E. Department Work Force Turnover by Individual Job Classification.
 - 1. New hires by race/sex.
 - 2. Termination by race/sex.
- F. State Work Force Race/Sex Promotions by Major Job Category.

G. Department Work Force Race/Sex Promotions by Individual Job Classification.

H. Applicant Flow by Individual Job Classification.

I. Promotion Trends by Major Job Category.

1. Pattern of minority promotion.
2. Pattern of female promotion.

The second part, Section VB, addresses Alaska labor force statistics by race and sex. Section VI of the plan is the identification of problem areas. This section requires an analysis and report of deficiencies and corrective action to be taken in areas of underutilization. Section VII addresses minority and female hiring goals and timetables. The ultimate 1979 goal for the State is 15.3 percent minority and 38.6 percent female. Section VIII requires an analysis, report of deficiencies, and corrective action to be taken in the following areas of personnel practices and procedures: recruitment; preemployment, job requirements, testing, and selection; placement, training, promotion, transfers, wage and salary, and termination. Section IX establishes auditing and monitoring requirements. It calls for quarterly and annual reviews of individual departments by the EEO division and describes records that must be maintained. Section X outlines complaint procedures for employees and applicants. Section XI describes the purpose of an EEO and affirmative action budget, and states the requirements for a budget plan. It will include a sample budget when it has been developed.

Department affirmative action plans developed under these guidelines were to be reviewed in September 1979. The guidelines seem comprehensive and the EEO division has made it clear in writing, conferences, and public statements that it is available to provide assistance to all departments in the development and implementation of the plans. The Alaska Advisory Committee expects that these guidelines will be of great assistance to the departments in establishing and implementing programs that will improve the minority/female hire picture throughout State government.

2. Coordinate the programs under the plan.

The Alaska Advisory Committee heard from many witnesses at the open meetings in Juneau and Anchorage, and in interviews prior to the meeting,

about the lack of coordination of the programs and follow through because of the frequency of the change of directors of the division and shift of office locations. Two new directors were appointed during the course of the Advisory Committee's study, and the Committee agrees with many who expressed to them that a sense of continuity and stability is essential to the success of the State EEO program.

Currently, the EEO division staff consists of seven people. In addition to the director, there are three EEO-3 positions, one EEO-2, and one EEO-1. There are plans to hire an additional person for an EEO-1 position. Offices are located in Anchorage and Juneau. The budget for the division is \$321,000.

3. Analyze pertinent statistical data.

A necessary first step to the EEO responsibility is the collection of pertinent statistical data. In testimony received at the open meetings, the Advisory Committee heard a delineation of the type of data needed by those with EEO responsibilities for their agency and suggestions for ways it could best be utilized. Current labor force statistics was one of the critical data needs mentioned repeatedly:

...first of all, I think my agency is in compliance with the labor force statistics, but in truth, I'm not sure and I'm not sure anybody in this room could determine that because as yet there are no labor force statistics available to me to say how many engineers are available in the State of Alaska and of those, how many are minorities. EEO, it's my understanding, requires that we be in compliance with the labor force, which is different from population statistics, so lacking those, I can't tell you whether we're in compliance or not.¹

We would also like to have those labor force statistics so we would know at least better where we are now. We have no way to know how bad or how good we are except...to...look at our statistics now (and) say, probably, we can do better.²

...you can wait for statistics for so long then finally you have to do something, and it may not be statistically correct, but I think that there are other things that you can do.³

I've found in the past, when we spent our time coming up with goals and timetables which were not data based, which had no relationship

¹ A.L. Eagle, director of management services, Department of Environmental Conservation, testimony, Alaska Advisory Committee, open meeting, Sept. 11, 1978, Juneau, transcript, p. 116 (hereafter cited as Juneau Transcript).

² Russ Clark, director, Division of Administration, Department of Fish and Game, Juneau Transcript, p. 134.

³ Marilou Madden, chair, EEO Committee, Department of Education, Juneau Transcript, p. 142.

to the pool of available people because we didn't (know) the make up of the pool of available people, that we got nothing done to change our figures. . . . What I was making a plea for was not that we shouldn't have data, but in the absence of data, there are other things that could be done and. . . there's a lot of internal changes that need to take place to reach those goals and timetables too. If you give me data, I'll use it, but I'm not going to make up those charts again, when I don't know what I'm doing. You spend too much time.⁴

One of the problems we have confronted and continue to confront is the fact that it's awfully difficult to get the data to find out what the approach is, the pool, the research on each employee. The university's particular pool is a national pool and we recruit faculty positions all over the country and sometimes it's difficult getting the data to know exactly what the alleged mark would be for achievement of civil rights or equal opportunity goals.⁵

Analysis of current work force data indicate that data should be collected in a manner that would more accurately reflect the status of women and minorities by job classification and pay level. This would enable planners and administrators to pinpoint those sections and divisions in their department where there are few or no minorities or women and allow them to establish goals and timetables to remedy the situation.

Other data needs that are not currently being met but which the Advisory Committee was told are being planned for are:

- numbers of applicants.
- applicants tested or assessed on minimal qualifications.
- applicants qualifying for the register.
- applicants on the register.
- disposition of applicants.
- length of time on register before being hired.⁶

Another problem that has not been fully documented because of the lack of statistical information is the underutilization of minorities and women.

The older worker and disabled worker are among those more recently designated as members of protected classes. The Advisory Committee was not able to determine from the data available the

presence of these workers in the State work force. It would be advisable for the EEO division to keep track of its work force statistics on the older worker and the disabled worker by race and sex.

4. Assist agency heads in meeting their responsibilities under the plan.

A review of each department's affirmative action plan by the EEO division is a necessary first step. Guidelines for annual review and update should be firmly established. The Advisory Committee heard testimony that many plans are out of date and need revision.

At the time of the Advisory Committee's open meetings the Department of Fish and Game was preparing to update its affirmative action plan. Russ Clark, director of the division of administration, Department of Fish and Game, explained.

Currently we are planning to write the department's affirmative action plan which is contingent upon the new statistic base developed by the. . . State department division of EEO, and we are waiting for their guidelines for drafting of the EEO affirmative action plan. . . . We are planning to have our affirmative action plan drafted prior to July 1 of next year.⁷

Marilou Maden, representing the Department of Education, told the Advisory Committee that her department's plan had been developed this year and at the time of the hearing was before the State board for its endorsement.⁸

The representative from the Department of Military Affairs, Lois Wingo, explained that that department uses the Governor's affirmative action plan as a guideline but does not have its own written affirmative action plan. The department has "a policy for hiring minorities and women," although it is not written, she said.⁹

A.L. Eagle, representing the Department of Environmental Conservation, said that his department has an affirmative action plan but "it's quite outdated."¹⁰ Mr. Eagle contended that an updated affirmative action plan is contingent on adequate labor force statistics (as discussed previously).

Until labor force statistics are available, it's very difficult to establish objectives in the sense of the parlance of MBO where you put a measure

⁴ Ibid., p. 159.

⁵ Carl Westman, director of Statewide Personnel, University of Alaska, testimony, Alaska Advisory Committee, open meeting, Anchorage, transcript, p. 62 (hereafter cited as Anchorage Transcript).

⁶ Indicated by Robert S. Gates, Deputy Commissioner, Department of Administration, Juneau Transcript, pp. 30-31.

⁷ Juneau Transcript, p. 121.

⁸ Ibid., p. 126.

⁹ Ibid., pp. 125, 128.

¹⁰ Ibid., p. 132.

on the objective and you mark your progress towards that objective and you accomplish that. Anything we do now, is by guess.¹¹

Russ Clark described the inadequacies of previous affirmative action plans:

... primarily, the problem is in that the affirmative action plans that were drawn up by most departments, or my department, didn't set any time frames for accomplishments. No positive outlook. It said all the right things as far as the law is this and the policy will be that, but it didn't say anything so far as improving the current situation as far as our hiring situation. It didn't outline programs which would improve our statistics. It only said, here's the law and we will have an EEO advisory committee in terms of the department and consist of so and so. *But it really hasn't done anything to increase the upward mobility of minorities and females in the organization.* [emphasis added]¹²

Mr. Eagle said of the difficulty in developing an affirmative action plan:

I see this as a management problem, and like any management problem there should be some defined objectives and a clear cut course to follow, some numerical guidelines to see how you're moving along that path and it is my opinion that none of that, repeat, none of that exists. If you look at the affirmative action plans as they are written, there are a lot of activities, but the bottom line is people in jobs. And I think that ought to be the thing that's stressed. The department's success ought to be measured on it. How many people do they have on their jobs.¹³

Helen Beirne, commissioner of the Department of Health and Social Services, said that department has an affirmative action plan in effect that was reviewed by a Federal agency. "Our affirmative action plan was approved by the U.S. Civil Service Commission in Region X and was issued during April 1978. From all indications, it's working effectively," she said. The requirements for those agencies that receive Federal money for their programs are more strictly enforced for affirmative action plans than those that are not so monitored. Ms. Beirne said, "So much of our money is Federal

money, and it is part of the mandate that we do follow the affirmative action plans."

Robert Le Resche, commissioner of the Department of Natural Resources who also serves as the EEO director for the department, told the Advisory Committee that the department's affirmative action plan is "5 or 6 years old" and that as the new director of EEO, one of his first interests will be "to redraft this affirmative action plan in such a way that it will finally work." He added, "It is something I am looking forward to and I think it is of great importance to do."¹⁴

Phillip Wall of the Department of Revenue, when questioned about the affirmative action plan for his department, said that his department's original plan was prepared 5 or perhaps 6 years ago, that it has been updated twice since then, and that it was in the process of being updated at the time of the open meeting.¹⁵

Carl Westman, director of statewide personnel for the University of Alaska, said that the university system does have an affirmative action plan that had been recently revised at the time of the open meeting.¹⁶

The Alaska court system's affirmative action plan is drawn up by the director of personnel. Quarterly reports on progress are submitted to the administrative director and then analyzed by the State supreme court, according to Carol Capra, personnel analyst.¹⁷

The representative from the Legislative Affairs Agency, Kathy Martinson, was asked if the agency had an affirmative action plan and responded that she did not know.¹⁸ Ms. Martinson said, "We've never had an affirmative action program and it's never been brought up."¹⁹ She also stated that there are no minorities on the permanent staff.²⁰

Meetings between the chief EEO person from each department and the division of EEO are essential. The EEO division can advise and inform department EEO representatives on problems they may have in developing and implementing their affirmative action plans. The EEO division should keep the departments informed of the latest requirements and developments in EEO. This would suggest that the EEO division maintain liaison with the EEOC, the U.S. Department of Labor, the Office of Personnel Management, the Alaska State

¹¹ Ibid., p. 133.

¹² Ibid., p. 135-36.

¹³ Ibid., pp. 157-58.

¹⁴ Anchorage Transcript, p. 9.

¹⁵ Ibid., pp. 24-25.

¹⁶ Ibid., p. 61.

¹⁷ Ibid., pp. 97-98.

¹⁸ Ibid., p. 103.

¹⁹ Ibid., p. 108.

²⁰ Ibid., p. 106.

Commission for Human Rights, other appropriate Federal and State agencies and organizations, and labor unions, as well as subscribe to periodicals in the EEO field.

Training sessions for those with EEO responsibilities have been instituted by the EEO division and the Advisory Committee urges that these training efforts be continued on a regular basis.

The question of sanctions and rewards for fulfillment of EEO responsibilities was raised at the Advisory Committee's open meeting. The Committee feels strongly that unless performance is measured in meeting EEO responsibilities and is taken as seriously as other measures of management performance, EEO will not be seriously implemented. EEO performance must be included in every manager's and supervisor's job evaluation. They should be evaluated on their efforts and the results in this area, as they are in other areas.

Appointment of high level persons to direct EEO programs in each department is one clear way of indicating the importance of the affirmative action program. Robert Le Resche, commissioner, Department of Natural Resources, appointed himself as the department's EEO coordinator. He said:

In discussing this with the Governor, and I certainly concurred, he felt that one of the things most departments should do is put someone with obvious authority in charge of the program to perhaps encourage people to take it more seriously. Secondly, I can't point to an event, but certainly I think it is critical over the long term, in this department, to establish a sensitivity to this sort of thing because ultimately, with the exception of a very few low level positions, the directors are the ones that are finally passed on as to the doubt. . . . So, establishing this attitude, that is what I am trying to do at this time.²¹

If a department has a low record of minorities and women in overall employment figures and underrepresentation in decisionmaking positions, the EEO division should assist the department in setting and achieving both short term and long range goals.

The Advisory Committee heard testimony on the problem of finding qualified minorities in the labor pool. The Committee also heard testimony on the

fear of being charged with reverse discrimination when steps are taken to increase minority hire.

...we've done a great many things sort of separate from the plan, and I think, generally, I feel comfortable, we're sort of in balance. But it's an uneasy feeling when you or anybody can level charges at me and I can't defend myself. Have I done enough? I don't know. Neither do you. And that's an uneasy position to be in. The only complaint we've had has been a white, Anglo-Saxon, Protestant male, because we went out and did something on the minority side. I'm pleading with the commission to recognize the situation and make a recommendation.²²

Helen Beirne, Department of Health and Social Services, also reported such an incident in the division of corrections. A grievance has been filed against the department through the Alaska Public Employees Association (APEA). The APEA contends that the department hired on the basis of sex and fired the same individual on the basis of sex.²³

In its comments to the new affirmative action guidelines, the EEOC stated that "§1608.4(c) has been added to make it clear that affirmative action may include interim goals and timetables which may be higher for previously excluded groups than their availability in the work force so that the long term goal may be met in a reasonable period of time." The guidelines state, "in order to achieve such interim goals or targets, an employer may consider race, sex, and/or national origin in making selections from among qualified and qualifiable applicants."²⁴

Section 1608.3 of the EEOC guidelines describes circumstances under which voluntary affirmative action is appropriate. Part (c) outlines ways to work with the problem of a limited labor pool:

(c) Limited labor pool. Because of historic restrictions by employers, labor organizations, and others, there are circumstances in which the available pool, particularly of qualified minorities and women, for employment or promotional opportunities is artificially limited. Employers, labor organizations, and other persons subject to Title VII may, and are encouraged to take affirmative action in such circumstances, including, but not limited to the following:

²¹ Robert Le Resche, commissioner, Department of Natural Resources, Anchorage Transcript, pp. 7-8.

²² Eagle Testimony, Juneau Transcript, p. 158.

²³ Juneau Transcript, pp. 178-79.

²⁴ 44 Fed. Reg. 4422 (1979), to be codified at 29 C.F.R. §§1608.1-1608.12.

(1) Training plans and programs, including on-the-job training, which emphasize providing minorities and women with the opportunity, skill and experience necessary to perform the functions or skilled trades, crafts, or professions;

(2) Extensive and focused recruiting activity;

(3) Elimination of the adverse impact caused by unvalidated selection criteria (see sections 3 and 6, Uniform Guidelines on Employee Selection Procedures (1978), 43 FR 30,290, 38,297; 38,299 (August 25, 1978);

(4) Modification through collective bargaining where a labor organization represents employees, or unilaterally where one does not, of promotion and layoff procedures.

In Section 1608.4(c), the guidelines further state:

(1) Illustrations of appropriate affirmative action. Affirmative action plans or programs may include, but are not limited to, those described in the Equal Employment Opportunity Coordinating Council "Policy Statement on Affirmative Action Programs for State and Local Government Agencies." 41 FR 38,814 (Sept. 13, 1976), reaffirmed and extended to all persons subject to Federal equal employment opportunity laws and orders, in the Uniform Guidelines on Employee Selection Procedures (1978) 43 FR 38,290; 38,300 (Aug. 25, 1978). That statement reads, in relevant part:

When an employer has reason to believe that its selection procedures have . . . exclusionary effect . . . it should initiate affirmative steps to remedy the situation. Such steps, which in design and execution may be race, color, sex or ethnic 'conscious,' include, but are not limited to the following:

The establishment of a long term goal and short range, interim goals and timetables for the specific job classifications, all of which should take into account the availability of basically qualified persons in the relevant job market.

A recruitment program designed to attract qualified members of the group in question.

A systematic effort to organize work and re-design jobs in ways that provide opportunities for persons lacking 'journeyman' level knowledge or skills to enter and, with appropriate training, to progress in a career field.

Revamping selection instruments or procedures which have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications.

The initiation of measures designed to assure that members of the effected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection.

A systematic effort to provide career advancement training, both classroom and on-the-job to employees locked into dead end jobs, and

The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.

Carolyn Jones from the attorney general's office, appearing on her own behalf, gave the Advisory Committee suggestions for recruiting minority professional hires:

...one, at the supervisory level. . . I would not accept as a reason for failing to hire minorities that there were no qualified ones available. Furthermore, when the State sends recruiters, with specific intent of doing affirmative action, I think that they should be prepared with statistics about the minorities employed by that department, about the minority organizations within the State, the churches, other minority activity and any evidence that these recruiters have that minorities are able to succeed in the State of Alaska, that it is a hospitable place to be. While I do not believe that it is necessary that the recruiter be a minority, it is certainly true that there are minority job applicants who will feel better if it is a minority; however, it is a form of discrimination to pander to clients' discriminatory opinions, so I'm not suggesting that the State must send minorities. I know in my office last year a white male recruited two minority attorneys, so it's not an impossibility.

With regard to women, professional women, in State government, I have some information that is about 6 months old but it is relevant to the subjects you are looking at. . . . Again, as I'm sure things cannot change that much and that information is really embarrassing. Based on a report in the local newspaper at the end of last year, of those State employees who earn over \$40,000 I personally calculated how many of them were women. It was not possible to tell by

the names of the employees how many of them were minorities. There were a total of 24 women. There's approximately a total of 400 employees making over \$40,000. Noteworthy is the Department of Transportation who paid 131 males over \$40,000 and no females. The Department of Public Safety, which I understand declined to participate, has 20 males making over \$40,000 and no women. The court system has 50 employees making over \$40,000 and 5 of them are women. The Department of Administration has 18 employees making over \$40,000 and no women.²⁶

I have the complete list, those are the most interesting. I know that miracles can't happen in 6 months and I certainly think that your report should make note of the salary levels. One final comment, I don't know if you can do anything about this in terms of State government and employment of minorities and women, but I think you should also note the judicial system. Of all the judges within the superior court, supreme court, and district court level, there is one minority. There are also a couple who serve as magistrates. There's one, at the most two females that serve as district court judges. No females serve above the district court level.²⁷

5. Maintain liaison with minority and women's organizations capable of referring qualified applicants for State employment.

One way in which the EEO division is increasing minority and female representation in State government is by instituting a talent bank. In testimony before the Advisory Committee, Karen Cory, director of the EEO division, explained:

the purpose of the talent bank was a new idea by Governor Hammond which asked for people who would like to be . . . appointed (to) positions to submit resumes and applications to the talent bank and other persons interested in classified jobs to also submit resumes and applications. [T]his is another effort to go straight to the minorities and female community and to get applications that we can finally get people into the system who are qualified and can do a good job for our State.²⁸

Ms. Cory reported that there were over 60 applications in the Anchorage office for the talent bank at the time of the hearing.²⁹ She then addressed the issue of maintaining liaison with minority and wom-

en's organizations that are capable of referring qualified applicants for State employment. She told the Advisory Committee:

Another project has been surveying minority and female organizations, which is in progress now. This survey is to find out specific areas where women have experienced less than favorable employment experiences with the State, for example in terms of promotion, in terms of, 'do you feel if you are looking for a job, would you go to the State as an employer?' These are a few of the questions on the survey. . . . The State is very interested in meeting the needs of the people in the bush area, Native people of Alaska, Spanish, Blacks, and women, and so we're trying to plan our program so we emphasize recruitment and upward mobility for all of these people.³⁰

In the Anchorage open meeting, Phil Pleasant representing the Black Coalition Design, a community organization, told the Advisory Committee that he had performed the contract to begin the talent bank and described his own unsuccessful efforts to obtain a State position.³¹ He said that the State EEO division currently has possession of the talent bank and at the time of the hearings had not fully developed a program to utilize the resource.³²

Since the time of the open meeting, the EEO division has submitted material on program plans to the Northwestern Regional Office of the U.S. Commission on Civil Rights. From the material received, it seems clear that the talent bank will be a useful mechanism for matching "hard to reach" minorities and women to State jobs if it has the full support of the administration, commissioners, and division directors. Followup and assessment of its effectiveness will need to be monitored by the EEO division.

The Alaska Advisory Committee requested that the Cook Inlet Native Association (CINA) submit material on their contacts with State employment in writing because there was not time to present all of their testimony during the open meeting. CINA submitted information describing their liaison activities with the State in general and on a department-by-department basis. (See appendix B.)

Other minority organizations are contacted routinely for position openings, according to information

²⁶ Anchorage Transcript, pp. 268-70.

²⁷ Juneau Transcript, pp. 22-23.

²⁸ Ibid., p. 22.

²⁹ Ibid., p. 23.

³⁰ Anchorage Transcript, pp. 278-79.

³¹ Ibid., pp. 279-80.

collected through interviews and through testimony at the Advisory Committee's open meetings. However, there has not been a systematic approach and the results of actual hire have not been significant. As Robert Kemp, president of the Anchorage branch of the NAACP, told the Advisory Committee in Anchorage,

I have on occasion sent resumes to the Governor's office, I've sent them to other agencies. I've provided them to various commissioners and I've also sent individuals, which to me are better than resumes, to apply for jobs which I knew were open. We do get job announcements regularly from the Department of Administration. . . it's a matter of the talent getting hired. . . .³¹

Mr. Kemp added, however, that the requests have not been significant and that this indirect method does not gain significant benefits.

6. Review State employment practices on a regular basis to identify and modify or eliminate any discriminatory practices.

In addition to the quarterly status reports and annual reviews of each department's affirmative action program and responses to requests for assistance, the EEO division should work with the division of personnel to eliminate discriminatory practices that have been identified and to monitor progress towards increasing minority and female hire. Problem areas identified by witnesses to the Advisory Committee that would require further study include:

- testing,
- placement on the register,
- full-time/temporary register abuses,
- job classification, and
- inclusion of Alaska Natives in rural areas.

A description of these problems is presented in the words of the witnesses in the chapter on the Department of Administration. The Advisory Committee is aware of legislative efforts to address the entire personnel system through a blue ribbon commission that is currently conducting a study.

7. Prepare an annual report on affirmative action in State government.

The annual report should contain a thorough assessment of the overall State employment picture

as well as each department's progress towards meeting goals. It should make recommendations for improving equal employment opportunity and affirmative action in State agencies. The report should also supply information on complaints filed with the EEO division and describe their disposition.

8. Provide EEO training for State employees.

The division of EEO has begun a systematic training program for State employees. Workshops have been conducted for managers, supervisors, and EEO representatives in Juneau, Anchorage, and Fairbanks. The training program for EEO officers and departmental representatives has two areas of emphasis. The first is "to inform and train EEO officers and/or department representatives regarding equal employment opportunity and the affirmative action program of State government." The second is "to emphasize the importance of equal employment opportunity."³²

The training session covers the following areas: legal bases for affirmative action and equal employment opportunity, EEO terminology, complaint procedures, remedies for illegal discrimination and defenses against discrimination charges, and "tips on dealing with" women and minorities.

The training program for managers and supervisors covers the following areas: bases for equal employment opportunity and affirmative action, which contains the legal bases; remedies for illegal discrimination; defenses against discrimination charges and definitions of EEO terminology; a guide for conducting lawful interviews; an explanation of the necessity for equal employment opportunity and affirmative action; and a session on resolving cultural work value differences as they relate to State employment. As of August 1979, the EEO division had trained approximately 700 managers and supervisors.

9. Investigate complaints relating to equal employment opportunities.

In the current affirmative action plan, complaint procedures are defined as concerned "exclusively with the question of ILLEGAL discrimination as defined by the law" and union grievance procedures as dealing with "UNFAIR employment practices."³³ The complaint process is available to applicants for State jobs as well as the current employees.

³¹ Ibid., pp. 252-53.

³² State of Alaska, Department of Administration, *Equal Employment Opportunity, EEO Representatives Workshop Manual*, p. 1.

³³ State of Alaska *Affirmative Action Plan*, Dec. 1, 1978, p. 36.

State Departments and Offices

Office of the Governor

As several witnesses stated throughout the Alaska Advisory Committee's open meetings, the key to successful implementation of equal employment opportunity and affirmative action programs lies in the emphasis given to them by the chief administrative executive, the Governor. In 1977 the Governor of Alaska stated:

I, Jay S. Hammond, as the Governor of the State of Alaska, hereby declare, direct and reaffirm that equal employment opportunity as a basic civil right is a primary goal of the state of Alaska. . . . I intend to take personal leadership of this important program with the goal that equal employment opportunity become a fact rather than a promise.

Representing the Governor's office at the Juneau open meeting, Michael Harper told the Advisory Committee:

Just before the beginning of this year several events and discussions led to the Governor's taking some specific actions to direct priority attention and assure progress to EEO. First of all, in January, he asked all cabinet members to designate a person in the department, at a director or higher level, to be responsible for overview of EEO activities and to report regularly and directly to the commissioner of departmental levels.

Robert S. Gates, deputy commissioner, Department of Administration, pointed out:

¹ Alaska Advisory Committee, open meeting, Sept. 11, 1978, Juneau, transcript, p. 77 (hereafter cited as Juneau Transcript).

Prior to that point, frequently, the person handling EEO matters in an agency was one who [was] rarely in a position to make things happen. We have found that since all agencies have now appointed these individuals that we are now getting a much better response.

Oh, I won't say *all that much visible* progress but at least in our terms of lines of communication and finding out information that is necessary, and I think that that has been a very positive thing that has taken place.² (emphasis added)

The Advisory Committee concurs that this is a positive step and hopes that this will lead to stronger actions on behalf of minorities and women.

Another area in which the Governor can facilitate the inclusion of women and minorities in State government is through appointments. Mr. Harper explained that:

Ideally, the Governor wishes to serve as a role model in his staff selections and toward that end continues to seek women and minority candidates for staff and cabinet posts. To date, the cabinet consists of 2 women and 12 men, a composition which the Governor still hopes to see change and diversify as future vacancies occur.

The Governor began this term with a hope that he would develop a cabinet and executive staff that would represent the multi-racial as well as other different features of Alaska, and as of August (1978). . . the 14 direct staff members

² Ibid., p. 24.

reflected a balance of 8 men and 6 women, and of those, 4 are Alaska Natives.³

The Advisory Committee requested information on the composition of boards and commissions appointed by the Governor. (A list of boards and commissions is included as appendix C.) There are a total of 106. The Governor's office surveyed the boards and commissions on the number of members by their race and sex and received 84 responses, which were forwarded to the Advisory Committee. Two responses were eliminated because they were incomplete. As can be seen in appendix C, the information covers a total of 715 members of boards and commissions for the State of Alaska. Of these members, 462 (or 65 percent) are white males, and 170 (24 percent) are white females. There are 36 (5 percent) Alaska Native males and 24 (3 percent) female Alaska Natives. There is one American Indian male and one American Indian female. There are 10 (1 percent) black males and 5 (7 percent) black females. There are two Hispanic males and no Hispanic females. There are no Asian American males and only one Asian American or Pacific Islander female. Out of the 82 responses tallied, there are 18 boards or commissions with no minority representation. There are 23 (28 percent) boards or commissions with no minorities serving and 6 boards or commissions have no females. Based on this information available, the Advisory Committee concludes that minorities and females are seriously underrepresented on advisory boards and regulatory commissions in the State of Alaska. On some boards where there is minority representation, their proportion to total membership is very small. The small percentage of Alaska Natives (5 percent males and 3 percent females) is certainly not indicative of their representation in the general population. Their absence is even more glaring on those boards that advise on or regulate areas that affect aboriginal rights.

The table in appendix C indicates those boards or commissions that currently have vacancies. In filling these positions, full consideration should be given to minority and female underrepresentation. The talent bank can be used to identify qualified candidates. Since these boards and commissions affect public policy, it is recommended that consideration be given to selecting citizen members who represent

³ Ibid., p. 76. As of Apr. 15, 1979 all Alaska Native Staff members but one had resigned, *Tundra Times*.

the public point of view. (Many boards and commissions in the public and private sector recognize the need to have members and advisors not appointed solely on the basis of technical expertise in the areas, but because they represent segments of the population that will be affected by the decisions made by these bodies.)

Table 1 in appendix A shows the number of employees in the Office of the Governor by race, sex, and salary range.

Department Of Administration

The Alaska Department of Administration is responsible for providing central services for all State agencies on matters pertaining to finance, internal auditing, personnel, purchasing, printing, data processing, retirement, budgeting, records management, and other management functions.⁴ In matters pertaining to personnel, the Department of Administration shall administer a statewide personnel program, including central personnel services such as recruitment, examination, position classification, and pay administration.⁵ The division of personnel within the Department of Administration is responsible for all hiring procedures for each State agency. Some of the barriers women and minorities face in getting State jobs that were identified during the Advisory Committee's study are described below.

The first problem is for minorities and women to know of State positions that are open and for departments to know about the availability of minorities and women who are interested in State employment. This is particularly true for Alaska Natives, the State's largest minority. As Michael Harper of the Governor's office told the Advisory Committee:

Traditionally, Alaska Natives have implemented leadership and work activities and avenues very different from the environment of State government, with its political intensity and public employment framework of increasing sophisticated structures such as collective bargaining contracts, personnel procedures and policies, and training and experience requirements. Thus, perhaps the greatest EEO or civil rights challenge lies in bringing the Alaska Native the more significant role within the political policy of public employees' work

⁴ *Alaska Blue Book 1977*, p. 14.

⁵ *Alaska Stat.* §44.21.02(9).

force, without diminishing the valuable features of their culture.⁶

We also recognize that State government is competing with local governments and Alaska Native corporations and the rest of the private sector for the most qualified women and minorities, and in a small population such as Alaska's that competition is especially noticeable.⁷

Advisory Committee member Richard Stitt asked the following questions of Robert S. Gates and Karen Cory at the Juneau meeting: "Have you been able to detect the problems for hiring minorities? Is it that there is a lack of awareness on the part of qualified minorities and women that there are positions available, or is it a matter of not having the desired qualifications? Have you been able to detect where the problem area is?"⁸ Both responded that they have not been able to identify the problem but are hopeful that their data collection and analysis efforts will provide some answers.

Charlie Mae Moore, chairperson of the EEO Advisory Committee, said that potential minority and female employees are discouraged by the system—the process to get on the register, the length of time from submitting an application to actually being hired, and the lack of minorities and women visible in the existing system. She said that a person may feel it's not worth it to apply because they'll never get the job anyway.⁹ This is often referred to as the "chill" factor.

An effective outreach program could help dispel the "chill" factor and ensure the distribution of information on the types of jobs available. Pat Hunt, director of the division of personnel, explained that the division does not have an outreach program. He distinguished outreach from recruitment in response to a question put by Lynne Woods, Alaska Advisory Committee, on the number of full-time recruiters in the division of personnel:

We have one. [T] here has been considerable discussion about recruiting. To me, in my division, recruiting simply means the getting of people on the list. . . . It's not the outreach sort of thing, everyone in the State, including the members of this Committee, could be State recruiters by talking with people in organizations and . . . minority people or women who

seek State employment, could help by recruiting them in terms of getting an application and getting it into the system. . . . The only real recruiting we do from our division is the printing of public notices in newspapers and the recruitment bulletins that go out.¹⁰

Mr. Hunt was asked if that one person was able to spend any time making a special effort in the area of recruiting women or minorities. He answered that they were not.¹¹ (The EEO division, as discussed in the previous chapter, has undertaken several programs to perform these outreach functions.)

Advisory Committee member Richard Stitt asked, "Is it intended that each agency within the State will have a recruiter to ensure and actively recruit people for these vacancies, or is this done by centralized computer?"

Robert S. Gates responded:

Our method for recruitment, typically, is a centralized function and so that recruiting effort will continue on a centralized basis. Now, special emphasis in certain areas may very well be directed towards minorities and if that's appropriate, it will be, to get them on the register. No agency can go out and recruit and operate off a separate register because they're all dealing with the same one. So we think that the division of personnel is the appropriate area, along with the EEO division, where it may involve women and minorities, to get them on the register for everyone to select them.¹²

It is apparent that women and minorities are not being reached because they are not evident in State employment to the degree of their representation in the available labor force. Special efforts, therefore, must be made to ensure their equal access to State employment. The largest barrier appears to be getting on the State register for those positions that fall within the State merit system. Most positions require a testing procedure. The question then becomes whether the tests are job related. (Testing problems of various departments will be discussed in specific sections on those departments.)

Advisory Committee member Thelma Buchholdt raised the following question during the Juneau meeting: "How do you devise your testing program to relate to the people who have applied for positions that you have available?" Mr. Gates

⁶ Juneau Transcript, pp. 75-76.

⁷ Ibid., p. 79.

⁸ Ibid., p. 47.

⁹ Ibid., pp. 54-56.

¹⁰ Ibid., pp. 62-63.

¹¹ Ibid., p. 63.

¹² Ibid., p. 39.

responded that the Department of Administration is trying to determine this through the development of a data processing program that will assist personnel to identify whether minorities and women are dropping out from various job classifications, and if so, at what point. "We know people are dropping out," he said, "but is it because they're not qualified or is it because they are qualified and, for one reason or another, certain questions that may be asked on the test place them at a disadvantage?"¹³ In this new data processing program, Mr. Gates explained, every job will be examined:

[It will] give us a very detailed look at the number of people applying, who make it through the test, or through the minimum qualifications. . . did they place on the register, at what level, did they get hired, so. . . that we will have the ability to say, there appears to be 4 or 5 or 20 specific job classifications where there is a problem and then we will make an effort to work with personnel to see whether that problem can be resolved, if it is the test.¹⁴

Ms. Cory, appearing with Mr. Gates, added:

There are over 1,600 job classifications, so, for example, if you wanted to know accounting I, where minority and female [candidates] are falling out of the hiring process, this data would show us, or for accounting II or accounting III, and then also it would indicate for those jobs that you had to take a test, whether they were passing or failing.¹⁵

Ms. Cory also said "the application form itself is presently being redone and we are sensitive to the fact that we want questions that would not be misconstrued by people who are non-majority."¹⁶

Advisory Committee members later questioned Ms. Cory about the inclusion of experience as a volunteer on the application form and were told that although the current form did not contain specific instructions regarding this, such information would be considered if supplied and that future application instructions would indicate this.

Mr. Gates was asked whether a systematic review of tests is conducted to determine whether they are currently relevant to the job and if, in the new data processing program, a test is shown to have a high

failure rate for minorities or women, how it is reviewed.

Mr. Gates addressed the first part of the question by saying that the tests are under constant surveillance. "We have a psychometrist," he said, "whose principal duty is that and several other individuals on his staff who do nothing but review examinations." He told the Advisory Committee that he would have the psychometrist provide additional material in writing on test validation procedures. (This written response is included as appendix D.)

The second part of the question to Mr. Gates was not addressed, because the data is not currently being collected that would identify these problem areas. However, the test development and validation section does examine selection procedures and instruments for job relatedness where adverse impact is evident. Because the average cost of a formal validity study is over \$50,000 and the national average completion time is 1 year, Mr. Gates said that the State cannot conduct formal validity studies for all tests although attempts are made to ensure job relatedness even in those areas which do not show adverse impact.¹⁷

The State has also begun to contract with outside agencies, including the U.S. Office of Personnel Management, for technical assistance in the development and validation of selection procedures and instruments. The "test development and validation section should. . . be prepared to demonstrate the job relatedness of any procedure which may have a disparate impact on minority groups," Mr. Gates said. Further, they will seek to minimize the adverse impact of valid selection procedures by considering alternative procedures that have less adverse impact. One alternative that has been employed successfully is the elimination of a written examination and substitution of a statement of prior work experience that would qualify the person for the position. Another alternative is to help applicants prepare for the test, help develop their test-taking skills, if there is a significant failure rate on a particular test for minorities or women.

The Supreme Court has ruled on the question of testing in the landmark case of *Griggs v. Duke Power Company*.¹⁸ The Supreme Court applied Title VII of the 1964 Act to invalidate general intelligence tests

¹³ Ibid., p. 30.

¹⁴ Ibid., p. 31.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Robert S. Gates, deputy commissioner, Department of Administration, letter to Victoria L. Squier, equal opportunity specialist, Northwestern Regional Office (NWRO) U.S. Commission on Civil Rights, Nov. 7, 1978.

¹⁸ 401 U.S. 424 (1971).

and other criteria for employment that disproportionately excluded minorities if they were not shown to be dictated by business necessity. It was conceded that the tests used were not deliberately discriminatory, but the Supreme Court concluded that: "[G]ood intent. . . does not redeem employment procedures or testing mechanisms that operate as 'built-in headwinds' for minority groups and are unrelated to measuring job capability."¹⁹

Another problem is the location of testing sites for rural Alaskans. Tests are generally administered in urban areas, which would require that the job candidate be able to pay for food and lodging while waiting to take the examination. If the person from the rural area passes and wants to be interviewed, there is additional expense involved. If a candidate does pass the test for a particular job opening, that does not guarantee that the person will get a job. Position on the register is a determining factor. This was explained by Mr. Gates at the Juneau meeting when Advisory Committee member Thelma Buchholdt asked:

How long does a person have to wait when there is an opening? What system is utilized to either reinforce the person's hope for employment, or do they just tell them to wait for an available position?²⁰

Mr. Gates responded,

Well, I'm sure there is some variation in this statewide, but I can relate to what the Department of Administration does, and I believe many other departments do. When they have a vacancy in a specific job, they call for the register and the top five people on the register are notified of the availability of the job. When I say top five, and the individuals [have indicated] they are only willing to work in Anchorage, in which case that name is not included in the top five and perhaps it's number six or seven. They are notified. . . of the availability of the job and to report for an interview and if they have already sought employment elsewhere and decline that opportunity, well then we go on to the next person on the register.²¹

Patrick Hunt responded to Advisory Committee member Lynne Woods' questions on selective certi-

fication, which provides a mechanism for reaching women and minorities who may place below the top five on the register:

. . . in the old days. . . we had a selective certification process which envisioned a division of personnel would have the time, the wherewithal to look into every request and say, you want certain kinds of people, we find that to be a meritorious request. We give it credence and therefore we will certify only certain names. We've changed that now because we do not have the people to go over every particular request and to understand every discipline of work and to make an intelligent judgement. So we have altered the rules. . . to allow the departments to appoint from people standing on a list below number five when they have a bona fide reason, and one that they themselves are willing to defend, and the defense rests with the department making the appointment. We would consider, in our division, the employment of women and minorities to be a meritorious appointment when, underutilization, for example, was indicated by statistical overview, provided by EEO. So to that extent, it certainly does work to the interests of those who have affirmative action and equality in mind.²²

Mr. Hunt explained that written justification must accompany the selection of anyone below the top five, but the division of personnel does not "pass or challenge" the selection "except in a gross situation," and then it would be called to the department's attention.²³ So far, this has been a tool that may be employed, he said, but it is left entirely to the individual department's discretion. It has not been required as part of an affirmative action plan.

The next process in getting a job is the interview process. This is handled differently for different positions and varies among departments. It is primarily determined by the supervisor of the position to be filled. This, of course, allows wide variation, and it depends on the supervisor's attitude whether the interview process will encourage or discourage minority and female applicants. The EEO division includes this as one of the areas to be addressed in affirmative action workshops for managers and supervisors.

¹⁹ *Id.* at 432. "In a subsequent decision, *Albermarle Paper Company v. Moody*, 422 U.S. 405 (1975), the Court made clear that even if tests are shown to be job related they may not be used if alternative devices are available that do not have a discriminatory effect and that also serve the employer's interest in an efficient and trustworthy work force." U.S. Commission on Civil Rights, *Statement on Affirmative Action*, (October 1977) pp. 2-3.

²⁰ Juneau Transcript, p. 32.

²¹ *Ibid.*

²² *Ibid.*, pp. 59-60.

²³ *Ibid.*, p. 61.

The discussion at this point has concerned access and entry into State government employment. This next section will address the underutilization of minorities and females.

In State government as a whole, as has been pointed out, minorities and females are underrepresented and those who have "made it in" are concentrated in the lower pay ranges. Some departments are better than others—notably for females in the departments of Community and Regional Affairs, Social and Health Services, and Education, but these are departments with positions that have traditionally been considered "acceptable" professional work for women. Even in these departments where women are well represented, very few are in top management positions, and minorities are underrepresented in proportion to their numbers in the labor force in all departments. Tables 4.1 and 4.2 demonstrate this by showing the proportion of white males, white females, minority males, and minority females in the higher salary ranges and in the lower salary ranges.

Promotions and Upward Mobility

Underutilization of minorities and women is linked to two concepts of equal opportunity in employment—first, denial of opportunity for advancement and, second, affirmative action. The first requires a commitment to remove barriers that deny promotions on the basis of race, color, national origin, religion, sex, age, or handicap. The second requires specific actions to eliminate the present effects of past discrimination through the design of programs to promote upward mobility.

Some of the barriers to promotion are the same as those to initial employment. An applicant for promotion must know of the availability of the position and then apply for the promotion register. This may require testing, which is subject to the same problems of possible bias and non-job-relatedness that getting on the entry register entails. There are other systemic barriers to promotions. Where promotional decisions are made primarily by white males, who fill the majority of positions of authority, problems are perpetuated, because managers, whether consciously or not, maintain the system. Additional areas that will be examined are career ladders, job classifications, job reclassifications, equal pay for equal

work, comparable wage issues, equal benefits and incentives, and training programs.

Promotion Register

In the Advisory Committee's open meetings, Pat Hunt explained that there are two interdepartmental registers used for promotions; one is certification of current State employees throughout all departments, and the second is certification within individual departments. Mr. Hunt explained that these are standing lists and whether there is a current vacancy or not, an employee must be on the register to move up when a vacancy occurs.²⁴ Advisory Committee member Gil Gutierrez asked Mr. Hunt if the "recruiting system within the agencies that is used now for promotions" is having "an impact on promotions of females and minorities?"²⁵ Mr. Hunt responded:

I believe that it has brought an impact both ways, positive and negative, depending on who's doing it. . . . It comes down really to a matter of individual orientation on the part of the supervisors, managers and the amount of concern that they're willing to demonstrate for it. One thing that does happen is that when there is a vacancy and the supervisor knows it is coming, he may very well, or she, sort of tip someone off there is going to be a vacancy and this causes a little scurry then to get on the list. I think that the thought that has to be implanted very firmly is to get on that list whether there is a vacancy or not. People aren't necessarily pleased about taking exams, I'm not myself, and I suspect most people in the room are not, but it's a necessity in order to promote. . . . Obviously, if I were going to have a vacancy, I would want to be sure that a person that I knew and I knew could do that job was aware of it and was on the list. That's just good management.²⁶

Mr. Hunt was asked by Advisory Committee members how all employees are informed about the types of jobs available, how to get to another level of employment, and if there is a job counseling program available for promotional opportunities. He replied:

We have no positions in our division directly responsible for that, [that] we commit full time. We do have people with whom others talk. There is no formal program of job counseling in

²⁴ Ibid., pp. 64-65.

²⁵ Ibid., p. 65.

²⁶ Ibid., pp. 65-66.

TABLE 4.1**State of Alaska Employee Distribution in Salary Ranges 22-28**

Department	White Male	White Female	Minority Male	Minority Female
Governor's Office	80.9%	17.5%	1.6%	0%
Administration	90.4	4.8	4.8	0
Commerce and Economic Dev.	87.5	12.5	0	0
Community and Regional Affairs	88.8	11.2	0	0
Education	90.0	10.0	0	0
Environmental Conservation	82.4	17.6	0	0
Fish and Game	100	0	0	0
Health and Social Services	74.0	26.0	0	0
Labor	80.0	10.0	10.0	0
Law	88.4	9.0	1.3	1.3
Military Affairs	100	0	0	0
Natural Resources	97.1	2.9	0	0
Public Safety	96.6	0	3.4	0
Revenue	96.4	0	3.6	0
Transportation	97.6	0.8	1.6	0

Source: State of Alaska, Department of Administration, division of equal employment opportunity, September 1977.

TABLE 4.2**State of Alaska Employee Distribution in Salary Ranges 5-10**

Department	White Male	White Female	Minority Male	Minority Female
Governor's Office	7.4%	75.0%	0%	17.6%
Administration	15.6	71.0	4.7	8.7
Commerce and Economic Dev.	8.4	85.6	1.2	4.8
Community and Regional Affairs	5.0	72.5	0	22.5
Education	13.2	71.5	3.5	11.8
Environmental Conservation	14.2	64.4	0	21.4
Fish and Game	33.6	60.0	3.0	3.4
Health and Social Services	12.0	68.1	3.8	16.1
Labor	13.7	64.7	5.5	16.1
Law	0	94.0	0	6.0
Military Affairs	4.8	90.4	0	4.8
Natural Resources	13.0	80.6	3.2	3.2
Public Safety	33.5	55.0	5.9	5.6
Revenue	13.1	66.7	8.1	12.1
Transportation	22.4	68.1	2.7	6.8

Source: State of Alaska, Department of Administration, division of equal employment opportunity, September 1977.

our division. If a person such as you described were to get such advice, he'd . . . have to get it from within his own department at this time. We do have bulletins, of course, and they can read what's available; we do not have job counselors to sit down and talk with people.²⁷

Career Ladders

The Advisory Committee was not able to obtain information on efforts to inform employees about career ladders other than the information contained in bulletins and job descriptions. There appears to be no uniform procedure to disseminate information about existing career ladders. Employees seem to find out about upward mobility paths informally, through word of mouth. This method of course does not ensure that everyone will hear about all opportunities. The Advisory Committee suggests that career ladders be a written part of each department's affirmative action plan.

Job Classification

Whether a job description accurately reflects the job performed and the qualifications required was discussed earlier in this chapter. Darlene Howard, classification officer for the Alaska Public Employees Association, addressed problems of women in job classification:

If you look back in . . . terms of what generally is considered women's work, as opposed to men's work, and look at the general prevailing wage structure in a manner in which salaries have, over the course of many generations, been established, particularly as it relates to traditional women's occupations generally being thought of as a secondary support. . . . augmentation to the family income, I think this is where we get into a lot of the severe problems as relates to classification. With clerical jobs being predominantly women, the medical field of nursing and so on, and if you look at those areas and you'll generally find them on the lower half of the average salary schedule in the State service, and yet in many of those occupations you will find as high as 97 percent female employment rate. [Clerical jobs] cannot be qualifying experiences for other areas, even something that can be considered a lateral or parallel plan. I think it would be wise to take a look at those areas.

²⁷ Ibid., p. 67.

²⁸ Ibid., pp. 192-94.

Another thing that concerns me from the standpoint of classification in dealing with our membership is the large number of jobs that will not accept clerical work as being qualifying for anything. I'm not entirely sure in my own mind what management tends to think clerical employees do or don't do. . . . but it would seem to me that is an area that we should look at to break a lot of our official barriers to get women into paraprofessional or into professional areas, because many of them, when you get into the secondary level, the administrative support level, and so on. . . . have a good grasp of what goes on in the professional world and most of the time, it's keeping it operational on a day-to-day basis. . . . I can't believe that that kind of work experience cannot be used for something. And yet, we tend to deny it all the way through and I think that's an area we should look at and be concerned about in State government.²⁹

Asked if the union makes a special effort to ensure that jobs traditionally held by women receive salaries in line with the skills required by the job, Ms. Howard replied:

The Public Employees Association is moving in that area now. The position that I currently hold was established for the first time in July of this year. . . . specifically to deal with those kinds of problems. We will be looking at a comparison of inequities that may exist between classes, within individual positions, in terms of their comparable worth. . . .³⁰

Job Reclassifications

Job reclassifications have long been used as tools for upward mobility. An audit is generally conducted of a person's performance, and after a review the job might be reclassified. This reclassification might lead to upgrading the job and raising the salary. This has often worked against minorities and women, however. Sometimes a person is given increased job responsibilities that effectively exclude others from on-the-job training experience. If it results in a job reclassification, it gives that individual a lead to a promotion and therefore successfully eliminates competition.

Where there is a system of job reclassification, there should also be an analysis system in place. It should produce information on the number of reclassifications made during the year, who received them, whether there was a salary adjustment with

²⁹ Ibid., p. 195.

increased pay, and the preparation the individual was given that led to the promotion. If the analysis shows disparate impact on minorities and women, there is the need to institute affirmative action steps to ensure that women and minorities will participate in the process. Mary McClinton, a witness during the Advisory Committee's open meeting in Juneau, described her experience with job reclassification. Ms. McClinton's division was reorganized. She said: "Reorganization is a method used in eliminating job classes and to add new ones with just enough difference in job descriptions to eliminate people along with the job classes."³⁰ This was one way to bypass the merit system, she said. "I had been with State government for several years. . . there was a reorganization and I did not get appointed in the reorganization."³¹

Ms. McClinton filed a complaint with the Alaska State Commission for Human Rights alleging that the department had discriminated against her because she is black. She was unable to comment on the status of her case because it was still active. The annual report of the Alaska Human Rights Commission for 1978 summarized her case as follows:

ISSUE: Commission found that the department's failure to consider McClinton for employment at the time two divisions were merged constituted unlawful race discrimination, but that McClinton failed to show that her subsequent resignation was a "constructive discharge." The commission also found that the department's failure to hire McClinton on a subsequent occasion was unlawful retaliation. The commission ordered back pay, reasonable attorney fees, and a job offer.

Another problem that women and minorities encounter in job reclassification is that of "special" jobs being created, which are promotions for very specific duties, that are essentially dead-end jobs. They are removed from line responsibilities to a position on the side of the organizational track and have no further hope of promotion. This most frequently occurs with technicians who are promoted to dead-end supervisory jobs.

Equal Pay for Equal Work

Sex discrimination in salary is clearly illegal since the Equal Pay Act of 1963.³² Persons performing the same jobs may not be unequally compensated be-

cause of sex. Greeta Brown testified about her case against the University of Alaska because she was paid \$150 per month less than were two men who performed the same work:

"This testimony addresses the lawsuit I brought against the University of Alaska, the cognizant officers, and regents of that institution. It covers a span of 13 years; the last 5 years in litigation. . . I will try to cover the most pertinent [of the many facts and details].

"In the interest of continuity, this testimony is divided into three sections—a historical overview of the 8 years that I was employed as professor of music at the University of Alaska, Fairbanks; the Superior Court for the State of Alaska, Third Judicial District; and the Supreme Court of the State of Alaska.

"The overview: my initial employment with the University of Alaska began in 1962, when I taught some classes for the Juneau-Douglas Community College. All classes were paid through the university central office in Fairbanks and faculties were approved by them. My job title was lecturer part-time. Full-time employment with the university began in the fall of 1965 with the rank of assistant professor at the monthly salary of \$1,000. This was on the Fairbanks campus and followed teaching the summer session there. At that time I had 18 years successful teaching experience in both public and private schools plus a small amount of teaching at the college level. At that time I held bachelor and master's degrees. I was the only woman employed full time in the music department at the University of Alaska, Fairbanks. The head of the department's teaching experience exceeded mine by about 10 years. We held the same degrees.

"Two other men were also employed as assistant professors in 1965. One of them held the same degree that I had. Another one had a grade equivalency because his academic professional work had been in Europe. My experience, professional experience, had been easily twice that of the other two men. We held virtually the same degrees. Each man was paid \$1,150 a month—\$150 a month more than I was paid. Our teaching assignments were considered equal, although two of us taught heavier loads than the other two. And mine, the records show, were the heaviest loads of all. I limit the testimony to the four of us, three men and me,

³⁰ Ibid., p. 183.

³¹ Ibid., p. 186.

³² 29 U.S.C. §206(d).

because we were the only senior members of the faculty of the music department, and at the time of this suit, we were the only tenured faculty members of the department. The variance in salaries that were paid to the three men and me continued throughout the 8 years that I was a member of the faculty. My administrative evaluations were high. My student evaluations were among the highest campuswide. The vice-president for academic affairs, in sworn testimony, declared that I met, if not surpassed, the university's definition of the full professional life. For 7 of the 8 years that I was a faculty member, I tried to have the salary inequities remedied by going through the proper administrative channels. This was something of a burden to me due to the frequent changes in the administration that caused me to have to almost start over in order to maintain the proper chain of command.

"Promotions were also considerations. The written policy of the University of Alaska at that time was that to qualify for full professor, one must have 8 years successful teaching experience at the University of Alaska, be tenured, and hold a doctor's degree. I completed the degree for a doctorate within months following my sabbatical leave that I was on in 1970 and became the only member of the department to hold a doctorate degree. One of the men was promoted to full professor after 6 years on the campus; one was promoted to full professor after 5 years on campus; I was promoted to full professor after 8 years on the campus. Even at that time, my salary, quite unlike theirs, when I was promoted to full professor, my salary was not yet at the top of the associate professor salary scale. After having spoken with or submitted memoranda to the cognizant officers and the University Assembly and getting no relief, I went to the Human Rights Commission in Anchorage in June of 1973. I was told that there would be no problem in getting me 2 years back salary, but if I wanted to be properly compensated, I would have to retain an attorney and sue. I then offered to resign from the northern region of the university and requested to be reassigned to the southcentral region of the university in Anchorage. My offer of resignation was submitted to the provost of the northern region. It was accepted from the executive officer of the statewide system, thus cutting me off from all university employment statewide.

"I made one last ditch effort to gain some kind of relief. I wrote to the new president outlining my

grievance and requesting fair treatment. I was told that he would investigate and reply to me soon. I waited 4 months and heard nothing, so in October of 1973 I did retain an attorney and brought suit against the university, its cognizant officers, and regents for discrimination because of sex [discrimination] in salaries, promotions, and teaching assignments. The statutes under which the suit was filed included the 14th amendment, 42 U.S.C.A. 1985, 42 U.S.C.A. 1983, the Alaska Constitution, Article 1, Section 3, and 23.10155. The non-jury trial was heard by the Honorable Ralph Moody. All of the facts I have touched on in the historical overview plus much more were heard during the 9-day trial in 1974.

"In his oral decision, December 24, 1974, Judge Moody found that I had been paid less than my male counterpart. He also found, 'Mrs. Brown from the time that she got this job was at least equal to or greater than all other parties across the board.' He also found that 'The record reflects in some instances that she had done more work, indications that some of the male professors had been equal to her, that some had been substantially less.' After having found for my points in the suit, he went on to find for the administration's expertise and discretion, saying there was no evidence of discrimination because of sex. He had previously ruled that if I recovered, the 2-year statute of limitations would be imposed. Now, he ruled, that since this was a public interest case, each party would bear its own costs, but he found for the university.

"On January 27, 1978, after I had appealed the case to the Supreme Court of the State of Alaska, by unanimous decision, the supreme court issued several decisions. The superior court held that the university is in essence a branch of the State government and thus may not be held liable under U.S.C. 1983. The supreme court upheld that decision. The superior court applied the 2-year statute of limitations. The supreme court upheld that ruling. The superior court ruled that the university was not covered by AS 23.10.155, the Equal Pay for Women Act. The supreme court found that the superior court erred in that ruling. The supreme court did not find it necessary to reach the issue of immunity of university officials and so stated in a footnote. The supreme court found that the superior court erred in finding that the university had adequately justified the salary differences between my salary and those of my male colleagues in the department. The supreme court found that the superior court erred in

denying me the opportunity to show evidence that there was, at the university, a pattern of sex-based wage discrimination in the music department and throughout the university. The ruling of the superior court was reversed and remanded for damages.

"Following this opinion, I filed a motion for reconsideration on the liability of the agents who were acting for the agency. The motion was denied by the supreme court, Justices Boochever and Rabinowitz dissenting. It appears that the immunity of the institution, as well as the immunity of its agents, is principally based on a case titled *Monroe v. Pape*.

"Shortly after the court denied my motion for reconsideration on that very issue, the Supreme Court of the United States overturned the *Monroe v. Pape* decision. Based on that recent action of the United States Supreme Court, I have filed yet another action for reconsideration as to the agents and agency. The Alaska State Supreme Court has replied to that motion with an 'Opinion Follows Statement.' I am awaiting that opinion. This then is where I am now. It's been a long and lonely 5 years and an extremely costly 5-year spread of time."³³

Comparable Wage Issues

The question of whether "women's jobs" are low paying and low status simply because they are held by women, the comparable worth issue, is, according to Eleanor Holmes Norton, Chair of the U.S. Equal Employment Opportunity Commission (EEOC), the "most important unresolved area left in equal employment opportunity."³⁴

The EEOC has contracted with the National Science Foundation (NSF) to study the effects of job rating systems that allow points for certain skills or responsibilities that are required for a job under Title VII. The study's findings, due in December 1979, will be considered before EEOC issues guidelines to employers. According to Peter Robertson, project manager at NSF, the study will focus on three questions: (1) are wage and compensation systems disparate? (2) if so, will the Title VII principle that "employment systems with disparate (salary) impacts must be justified by the employer, or will be considered in violation of the Civil Rights Act"³⁵ apply? and (3) if it applies, what kind of

justification will an employer have to show for the use of the system?

Helen Remick, director of the office of affirmative action at the University of Washington, has done extensive studies on existing pay rating systems and believes that most of them are inherently discriminatory because of the value placed on specific aspects of a job.³⁶ As she pointed out, "Most job rating systems give points for occasional lifting of heavy weight in a work situation; this is often a part of traditional male factory jobs. Yet the same systems allow no points for frequent lifting of lighter weights, common in female assembly line positions."

"Many traditionally female jobs require a high degree of motor control, rapid movement with low error rate, and responsibilities for human life, as in teaching or nursing," she said. "These assets are generally given few points or ignored altogether. Men's jobs, on the other hand, that would require strength and responsibility for equipment or budgets receive higher ratings because of the point values awarded these functions. When salaries are adjusted to these rating schemes, men naturally come out higher paid because they have more points."

"These are the formal systems," Ms. Remick explained, noting that most job rating systems are not even on paper. "Some of the older ones that are on paper actually have the words 'male' or 'female' listed after certain job descriptions," she said. "These systems are usually used to rank employees within job families," Ms. Remick explained, "such as clerical workers, managers, food service employees, or production line and manufacturing workers. But in Washington State when one of these rating systems was applied on an experimental basis to State employees across all job families, officials there found that women's jobs were compensated at an unfair, lower rate than men's jobs, even though they were using biased rating systems for the purposes of the experiment. You can imagine what we would find if there were an unbiased system," Ms. Remick said.

Part-Time Jobs, Day Care

Janet Bradley, assistant director in charge of the southeastern region, Alaska State Commission for Human Rights, made the following suggestions to

³³ Alaska Advisory Committee, open meeting, Sept. 13, 1978, Anchorage, transcript, pp. 183-89 (hereafter cited as Anchorage Transcript).

³⁴ Linda Stern, "Equal Pay for Work of Equal Value," *Working Women*, April 1979, pp. 21-22.

³⁵ Ibid.

³⁶ Ibid.

the Advisory Committee about part-time jobs and day care.

"There has been legislation introduced in the legislature during the past two sessions which would provide for day care facilities in State office buildings. This legislation has not passed, but I believe it would be one of the ways in which those persons who are parents of small children would be able to have one barrier to their employment in State government removed. It would be very possible to conduct a survey of those employees who are presently serving in State jobs to determine if, in fact, the lack of adequate day care is an impediment to their promotion and is an impediment to their arriving at the job every day. Studies, by the way, have shown that day care facilities on the premises of the employer have decreased absenteeism, and I noted with great favor when I visited EEOC headquarters in Washington, D.C., this spring that they, in fact, had day care facilities in the actual building where they had their offices.

"Another area that we might look at is the implementation of permanent part-time employment. This bill was passed several sessions ago and has not really been implemented, to the best of my knowledge, with any great degree of widespread effect. The law permits employees' benefits to be prorated, depending on the service that they actually are employed per week. The benefits, of course, are significant in State service. Budgetarily, they account for about 22 percent of the salary. These benefits would include retirement benefits, health care benefits, holiday pay, and other benefits which accrue to State employees. Now, it's possible for those benefits to also be afforded to permanent part-time employees. . . . This legislation also permits job sharing and would also permit flex time for many persons with duties at home, with educational commitments, or with seasonal employment problems to team up until their schedules meet their needs, and at the same time share in the benefits afforded to regular permanent employees."

Table 4.3 shows the number of part-time workers as a percent of the total civilian labor force. In 1978 over 17 million people worked part time; 60 percent were working mothers. Over 50 percent of the mothers with children under 18 are now in the work force. Eight States have already initiated their own programs to create more part-time jobs at every

level of State government, with special emphasis on the professional levels.²⁷

Ms. Bradley made some additional points. She said that career counseling is another mechanism she would like to see implemented for applicants and for employees who are presently in service:

This career counseling would identify jobs that applicants could fill. It would help them to construct a resume, reflect their talents, incorporating perhaps volunteer service or special kinds of abilities that they have that aren't called for on the application, working up an application which spells out their abilities and counseling them on how to set up and sit for an interview. This career counseling works hand-in-hand with upward mobility, wherein a career plan is worked out between an employer and the employee which would balance the responsibilities between the employer and the employee for training and education. It would be a shared responsibility where, upon completion of certain demonstrated performance standards and completion of training, [it would be decided] whether that would be an instant promotion or whether it would be an upgrade with flexible staffing. . . . You might view this as a budget item for affirmative action.

There are also two areas of special concern which I haven't heard mentioned here this afternoon and which deserve some comment. And these are brought to me. . . by persons who. . . were unwilling to file complaints, or persons who have had difficulties and who are unable to file complaints because their particular problem is not covered. These two areas are sexual harassment and sexual preference.

I know that those are difficult problems, but I can assure you that they are problems that exist within State service today. I believe that if administration policies were clearly articulated, that employees who had problems of this nature would feel free to go to their supervisors, would feel free to go to their EEO officers and work out the problem, inhouse.²⁸

Table 2 in appendix A shows the number of employees in the Department of Administration by race, sex, and salary range.

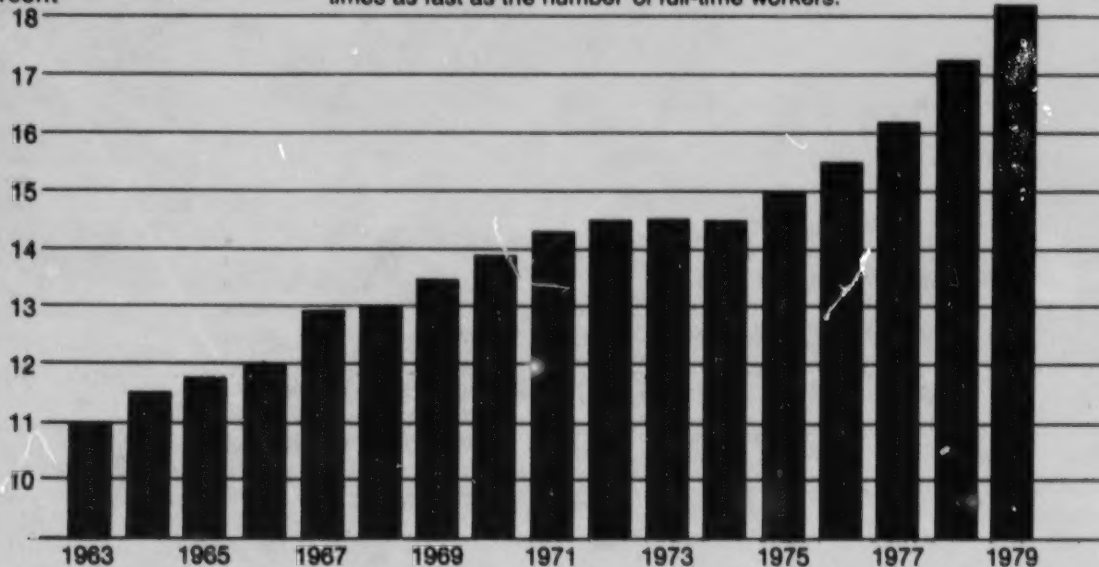
²⁷ Ann Curran, "Part Time Jobs Get Boost from Congress," *Working Women*, May 1979, pp. 21-22.

²⁸ Juneau Transcript, pp. 203-05.

Table 4.3**PART-TIME WORKERS AS A PERCENT OF THE TOTAL CIVILIAN LABOR FORCE**

Percent

In the past ten years, the number of part-time workers has grown three times as fast as the number of full-time workers.



SOURCE: BUREAU OF LABOR STATISTICS, MAY 1979

Department of Commerce and Economic Development

The Department of Commerce and Economic Development is responsible for regulating most of the State's industry and business and for promoting the balanced economic development and growth of the State.³⁹

Of a total 247 employees, 16 are minorities (6 percent). Of 133 women in the agency, 40 percent (54) are in grade ranges 5-9 and 49 percent (66) are in ranges 10-15, with 7 percent in ranges 16-21 and 2 percent in ranges 22-28. Five percent of the males are in grades 5-9, 14 percent in ranges 10-15, 62 percent in ranges 16-21, and 17 percent in ranges 22-28. Of all employees in ranges 16-28, 12 percent are female and 87 percent are male. There are no minorities in salary ranges 22-28, 2 male minorities and no female minorities in ranges 16-21, 3 male and 3 female minorities in ranges 10-15, and 1 male and 7 female minorities in grades 5-9. (See table 3 in appendix A.)

In response to questions raised by staff during the Advisory Committee's study,⁴⁰ the Department of Commerce and Economic Development indicated

that interviews and recruitment procedures, vacancy announcement procedures, and applications are the responsibility of the Department of Administration for positions in the classified services which are utilized by this department. Selection of job candidates is made by supervisors alone or in conjunction with review by their supervisors, depending upon their level of authority. It was not known whether questions asked of candidates were developed before the interview. Candidates are not scored on their responses to interview questions.

They also said the department has no formal human relations training program and State-sponsored, job-related training in the form of formal courses or State-developed practicums are available on an as needed, space available basis. Selection is determined by supervisors through use of training needs assessment forms. Employees are informed of positions that the department utilizes, but there is no formal career development counseling program within the department. The department follows the procedures of the Department of Administration for personnel performance ratings and promotions without additional criteria of its own.

³⁹ Alaska Blue Book 1977, p. 18.

⁴⁰ Response in NWRO files.

The responsibility for affirmative action is placed on all supervisors. The agency has no EEO counselors. The complaint procedure was described as follows: "complainant reports complaint directly to the personnel officer [who] immediately contacts State EEO office for assistance." The department has received no complaints. In response to the question, "What problems have you had in recruiting, hiring, promoting, retaining minorities and women?" The department responded, "Women are increasingly available at most levels of governments."

Based on the information received in testimony from the departmental representative, Lois Cook, director of administrative services; from responses to written inquiries; and from the agency's employment statistics for minorities and women, the Department of Commerce and Economic Development has not taken strong positive steps to ensure equal access to jobs and promotions within the department. They make no special recruiting efforts to attract minorities and have taken no positive steps to increase minority and female representation in higher paying, responsible positions.

As the department responsible for regulating most of the State's industry and promoting development and growth within the State, they could give the Advisory Committee no guarantee of a written policy to ensure that the industries regulated and the programs promoted by the department are not discriminatory or exclusionary. There are no contract compliance programs and no affirmative action programs to encourage participation of minority and women's firms in State contracts; nor is there a program that allocates set-asides for minority and women's firms at the State level.

Department of Community and Regional Affairs

The four operational divisions of the Department of Community and Regional Affairs are local government assistance, community planning, community and rural development, and manpower planning. The department serves as a source of assistance to local governments through provisions of technical assistance, training, and coordination of State and Federal resources.

The department commissioner appointed a five-member equal employment opportunities committee

chaired by Carl Gonder, deputy commissioner, that developed an updated affirmative action plan adopted on July 20, 1978. At the time of the Alaska Advisory Committee's inquiry, the plan did not include specific goal statements and accompanying timelines as these were contingent upon analyses to be conducted by the EEO committee once the data had been developed by the department personnel office. Recruitment sources were expanded and were listed in the plan. The plan proposed that in-person recruitment efforts be conducted and that recruitment letters be sent quarterly to Alaska Native corporations. The full development of a plan for the department was also contingent upon the development of current labor pool information by the Alaska Department of Labor, Research and Analyses Division, and the development of the equal employment application reporting system. The plan emphasizes goals for hiring "minorities" and not "minorities and women" because the present staff is 66.6 percent women. Upward mobility and departmental training is the major thrust stressed in the plan for women within the department.⁴¹

The plan also states that the department will pay the expense of training when funds are available, and division directors are encouraged to request training funds in their annual budget. Division directors are encouraged to use established career ladders and assist in the development of additional career ladders throughout each division.⁴² The EEO committee is responsible for evaluating and monitoring progress within the department and reporting to the commissioner. Directors (or designees) responsible for hiring and promoting will be assessed in their performance evaluation on their success in attracting and maintaining minorities on the staff under their supervision.⁴³ These are the only "enforcement" provisions in the plan.

The Alaska Advisory Committee viewed a training film developed by the department and was informed at that time (August 1978) that managers and supervisors in Anchorage and Juneau had seen the film and there were immediate plans for showing it in Fairbanks, Nome, and Bethel. The film concentrated on hiring procedures and the legal impetus for equal employment opportunities and affirmative action. Further training materials on assertiveness and sensitivity training were to be developed. Additionally, department employees were encour-

⁴¹ Department of Community and Regional Affairs Affirmative Action Plan, July 20, 1978, p. 8.

⁴² Ibid., p. 7.

⁴³ Ibid., p. 9.

aged and trained to increase recruiting efforts in the field.

The commissioner, Lee McAnerney, stated her department's commitment to increasing equal employment opportunities and affirmative action during the Advisory Committee's open meeting in Juneau,⁴⁴ and the EEO committee has taken positive steps through the development and monitoring of its affirmative action plan and the development of training programs.

The Advisory Committee hopes that with technical assistance from the EEO division, Department of Administration, and the Alaska Department of Labor and with increased recruiting efforts and training opportunities, the department will be able to improve its statistical "picture" of representation of women and minorities at all levels.

Table 4 in appendix A shows the number of employees in the Department of Community and Regional Affairs by race, sex, and salary range.

Department of Education

Pursuant to the Alaska State Constitution (Art. 3, §26), the commissioner of education is appointed by the State Board of Education, with the approval of the Governor. The commissioner of education serves as the executive officer for this board. The State Board of Education also acts as the State Board of Vocational and Adult Education and Vocational Rehabilitation.

Activities of the State Board of Education include review and recommendations on proposed State and Federal legislation, budget planning and review, formal action on leasing of school lands in Alaska, and approval for promulgation or adoption of education regulations. State plans for special education, adult basic education and vocational education are reviewed and formally adopted by the board. The board sets priorities for action by Department of Education employees. It also brings general areas of concern and need, as expressed by citizens of the State, to the attention of the commissioner, the Department of Education, and the Office of the Governor. The Department of Education is responsible for administering the State's program for education at the elementary and secondary levels, including programs of vocational education, vocational rehabilitation, and library and museum services. It exercises regulatory and general supervisory

authority over the State's public schools, with the exception of the University of Alaska, and approves private schools. It also provides research and consultative services to school districts, schools, the legislature, and other government agencies.

Within the Department of Education are the divisions of executive administration; management, law, and finance; educational program support; vocational rehabilitation; and State libraries and museums. Several boards and commissions are connected with the Department of Education, including the Professional Teaching Commission, the Alaska Rural Teaching Training Corps, and the Alaska Public Broadcasting Commission.⁴⁵

At the time of the Advisory Committee's open meetings, the department's affirmative action plan had just been rewritten and an EEO committee formed. Six members—the deputy director of every division and personnel officer—serve on the EEO committee, and the chairperson is a division director. Most members have been involved in EEO, personnel, and training functions previously and have received such training formally and informally. Training is planned as an ongoing function. Establishing training programs for upward mobility is a major goal that is stated in the department's affirmative action plan. The EEO committee is to develop a procedure and notify all employees in the department what this procedure will be.

Career ladders or bridges between clerical classes and the higher grades have been established through the use of paraprofessionals or trainees in each division. These include: (1) education assistant, education associate I, II, and III in the education program support division; (2) vocational rehabilitation assistant I, II, and trainee in the division of vocational rehabilitation; (3) library assistant I, II, and trainee in the State library; and (4) museum assistant and curator levels in the State museum.

On an informal basis, career counseling is provided by the supervisors, division heads, training officer, and personnel officer. This is another area the EEO committee has designated as a major goal to increase opportunity for upward mobility. Several employees have also been able to take educational leave to help in their career goals.

In their response to questions,⁴⁶ the department indicated that their biggest problem in the area of recruitment seems to be getting minorities on the

⁴⁴ Juneau Transcript, p. 87.

⁴⁵ *Alaska Blue Book 1977*, p. 30.

⁴⁶ Response in NWRO files.

eligibility lists. For this reason they are beginning individual contacts with minority organizations. Responding to questions on public contact, the department said that their staff work with the public extensively, serving schools, vocational rehabilitation clients, the State library and State museum, and also work with committees and commissions. Department representatives responded that in some aspects the personnel are representative of the population they serve, but they do recognize the need for more minorities and women, especially in high level positions.

In testimony before the Alaska Advisory Committee, Marilou Madden, director of vocational program support, said that she chairs the department's EEO committee. The committee was formed because the State has not approved a full-time EEO position requested in the department's budget. She told the Advisory Committee, "In the past, our record has been fairly good as far as the employment of women in mid-management levels. It has not been particularly good in the employment of minorities at any level or of women and minorities in upper management."⁴⁷

Ms. Madden explained that there are problems with upward mobility for women and minorities because of low staff turnover in professional positions.⁴⁸ Career ladders have been established to bridge the gap between the clerical staff, "where many of our minorities are employed,"⁴⁹ and professional positions. Career ladders could be established for mid-level positions to upper level management. The Advisory Committee concluded that this would be a good mechanism for increasing representation of women and minorities in the higher level positions. Another problem Ms. Madden mentioned is that minimum qualifications for many of the professional positions are dependent upon academic education. Alternative methods to certification are being examined.⁵⁰

Ms. Madden described the current affirmative action plan for the Department of Education explaining that it did not contain goals and timetables because low staff turnover in the past had rendered them meaningless. Instead the plan concentrates on changes that could be made now. One change is a review of minimum qualifications. Criteria are being

developed for work experience as an alternative to academic experience. Another change is the emphasis on training the hiring supervisor. In developing the plan, the committee concentrated on identifying problem areas rather than setting goals and timetables. In the past, Ms. Madden explained, "we spent more time trying to justify why we didn't meet our goals than we did in trying to analyze the system itself."⁵¹

Advisory Committee member Gilbert Gutierrez asked how a clerical worker moves from a nonexempt hourly situation to an administrative, professional position. Ms. Madden answered:

Very slowly. The Department of Education . . . may be unique in that it has a lot of professional positions, range 19 and above, so you have a very large gap between the clerical-type of positions at a range 8 or 9, and a range 19. It takes a lot of training and experience . . . to bridge that gap. We have set up a career ladder which, in two step increments, goes from a clerical to the range 19 professional. The department does provide work release time and money for training courses, particularly in the fields of library science, education, and counselor training. Ms. Madden added that a person has been designated as training officer for the department, although this is not a full time responsibility but one of several duties the person performs. However, the assignment of a training officer has increased the training opportunities for all levels of staff, from clerical to top management, she said. Mandatory staff development in cross-cultural communications and recent affirmative action legislation have increased. Ms. Madden feels that support of first line hiring supervisors is the key. She said, "You can make any system work if you're committed to doing it."⁵²

Mr. Gutierrez asked, "What would you recommend to allow the first line supervisors to become involved in a more objective manner . . . or a more concerned manner about that?"⁵³

Ms. Madden replied that two approaches have been taken: (1) informing supervisors of the legal requirements, and (2) attitudinal conditioning on accepting the legislated requirements. She said changing the attitude of supervisors from "I must do it because it's the law," to "I'll do it because it makes

⁴⁷ Juneau Transcript, p. 126.

⁴⁸ Ibid., p. 127.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid., pp. 140-42.

⁵² Ibid., pp. 142-43.

⁵³ Ibid., p. 143.

sense; because I believe in it" is very long, hard work.⁵⁴

Recruitment efforts have been expanded to increase personal contact between personnel staff and potential minority and female applicants. Ms. Madden noted meetings between the Cook Inlet Native Association and the personnel officer as an example of outreach needed. She said that the former practice of distributing bulletins without personal followup was not effective in getting the information to enough minorities and women.⁵⁵

Asked what procedure is used for promotions and what affirmative actions are applied to ensure that minorities have equal promotional opportunities,⁵⁶ Ms. Madden responded:

Education is probably one of the last strongholds of the old boys network. . . . [O]ne of the hardest affirmative action nuts to crack, in education, is in the area of promotion. When a job comes open. . . people within the department are notified and encouraged to apply. But a lot goes on before that job is open. . . in the way the person had been nurtured, guided, what kinds of extra responsibilities they've been given. [I]t's the most frustrating thing, I think, about the whole field of education. It happens in local school districts and it does happen at the Department of Education.⁵⁷

Asked if promotions are achieved through open competition within the department or by seniority, or reclassification without competition from people within another department,⁵⁸ she said that promotions are achieved through open recruitment and competition within the department. Most positions are filled from within the department. She explained that most were not filled on the basis of seniority. The factors she identified as helping to get promotions are: being in a position that allows more contact with the public, the divisional director, and the commissioner, and being readily identified as promotable. These unwritten requirements are deeply ingrained in the system, Ms. Madden said, and added that she has no solution for getting around them.⁵⁹

Ms. Woods asked about statewide plans:

⁵⁴ Ibid., p. 144.

⁵⁵ Ibid., pp. 144-45, 160.

⁵⁶ Ibid., p. 145.

⁵⁷ Ibid., p. 146.

⁵⁸ Ibid.

Since the department works with public schools, vocational rehabilitation clients, State libraries, State museums, as well as various committees and commissions that you have direct influence over, I wonder how the department plan to increase the numbers of minorities serving the public in these other institutions that are related to or directly influenced by your department?⁶⁰

Ms. Madden responded that since the department has no mandated responsibility for overseeing the affirmative action efforts of its client agencies, it can only work with them as an advisor. The EEO committee gives technical assistance and information on program elements that have worked well for others, she said.⁶¹

Ms. Woods raised the question of problems in bilingual-bicultural education.

[D]uring the course of compliance reviews conducted by OCR, problems have been identified concerning bilingual, bicultural education programs in staffing in the State. Can you please summarize the findings. . . concerning the staffing and describe the measures which are being taken to correct these problems?⁶²

Ms. Madden replied:

The biggest problem in staffing bilingual programs is the status of the bilingual instructor, or. . . in many programs. . . particularly in village programs, the person who is qualified to teach the bilingual aspects of the program. [That person] who speaks the native language, who knows the native culture, does not, in most cases, have a teaching degree. Therefore, when that person comes in, even if they have full control of the classroom, they are on a different salary schedule if they don't have their credentials. In our. . . dealings with the Office for Civil Rights, and in also, our dealings with the school district, we are mandating, through our regulations, that if a person has full or major control of the education program for the students, that regardless of the credentials, that person be paid in an equitable manner. It doesn't have to be on the same salary schedule but it has to be on a comparable salary schedule. Those regulations were just passed last year. . . . We will be monitoring that very closely. That is probably the major inequity, I think, in educa-

⁵⁹ Ibid., pp. 146-47.

⁶⁰ Ibid., p. 145.

⁶¹ Ibid., pp. 148-49.

⁶² Ibid., p. 149.

tion around the State, the differential in pay between teacher aides [who] are recognized experts and fully certified teachers. We are attempting in our certification regulation to make some concessions to alternative routes. That's a very hot topic in the State, as I'm sure you know, particularly since the teaching profession is so stable. It becomes very difficult to open it up to more people and there are less jobs. But that is a major problem that I think the State's going to have to deal with.⁶³

Advisory Committee member Daniel Lisbourne asked what attempts are made to upgrade the teacher aides.⁶⁴ Ms. Madden said:

We are working primarily through our local school districts. This year in the legislature we were successful in getting approximately \$5.7 million for bilingual education programs. And about \$700,000 of that is for teacher training to improve the teaching skills of teacher aides. Frankly, one of the primary problems that we're having is, there is no widespread program at the university system to provide classes for teacher aides. Many of the school districts are hiring their own teacher training people and running their own training programs for their teacher aides.⁶⁵

Advisory Committee member Stitt stated:

In all of the affirmative action programs that are to be developed, one activity suggested was to review job qualifications. Can I be presumptuous and assume that what you're saying is modifying the job qualifications? I can see the situation when you say review and after a review of a particular job, you say that's still a qualification. Four years of college, 10 years of experience, we've reviewed the thing and that's what we've got. But, it would appear to me, otherwise you give a person a false sense of assurance. Like, "Gee that sounds great; they're going to do something different." But can I assume that review means modifying and where would you modify qualifications? Would it be in the field? I understand that there are so many positions [there]. Where would this modification [be made] and how much of an impact would that make, or is that just a buzz word to . . . make people happy?⁶⁶

Ms. Madden replied:

⁶³ Ibid., pp. 149-50.

⁶⁴ Ibid., p. 151.

⁶⁵ Ibid.

I think it should make a difference and you're correct in assuming modifications, in my agency. . . . The work that people do in the Department of Education has changed quite a bit in the past 3 or 4 years. And yet, we have not, until recently, really taken a look at our minimum qualifications. And, as an example of how a modifications in minimum qualification could open it up, we had been assuming that since much of our work was with school districts, that a person had to have a teaching degree. We find when we look at the work that person performs that a teaching degree may or may not be necessary. So it becomes. . . incumbent upon us to take a look at what the job's doing. See what kind of skills a person would need for that job, and then attempt to find a variety of ways in which a person can get those skills, besides just through academic experience. I'll give you another example. Many of our jobs are administrative in nature, so we've been asking for an administrative background. That's been translated into school principal, school superintendent, someone in the central office. Looking around the State, you know there are no women superintendents. Two women principals, two minority principals, and, to my knowledge, only two minority superintendents. If you make that a minimum qualification, that automatically rules out a whole bunch of people. But we have many women and minorities who do things like serve on school boards and serve in village corporations. Those kinds of administrative experiences. . . ought to translate favorably to school administrative experience. So that that avenue would be open too. That's what I mean by looking at and modifying the minimum qualifications.⁶⁷

Table 5 in appendix A shows the number of employees in the Department of Education by race, sex, and salary range.

Department of Environmental Conservation

The goal of the Department of Environmental Conservation is to protect and enhance Alaska's natural and man-made environment, while permitting the wise utilization of the State's natural resources.⁶⁸

Out of a total of 118 positions, 82 are filled by males and 36 by females. Females are 86 percent (18) of the grade 5-9 series, and males are 14 percent (3).

⁶⁶ Ibid., pp. 151-52.

⁶⁷ Ibid., pp. 152-53.

⁶⁸ *Alaska Blue Book 1977*, p. 35.

In grades 16-21 there are 55 males (68 percent of the total males in the work force) or 89 percent of the total employees in those grades, and 7 females (19 percent of the total females) or 11 percent of the total in those grades. Of those 55 males, 1 is Hispanic and 2 are Asian American. There are no minority females. In grades 22-28 there are 15 males and 2 females and all are white. The department as a whole has 2 Hispanic males, 2 Asian American males, 5 American Indian females, 1 Asian American female, and 1 Eskimo/Aleut female. (See table 6 in appendix A.)

Of all departmental employees, 8.4 percent are minorities (2.5 percent minority males and 5.9 percent minority females), which indicates that minorities are not adequately represented in the work force based on the general labor force statistics available. Females are underrepresented in the salary ranges 16-28. The department should be taking affirmative steps to correct the underrepresentation of minorities and women.

As mentioned previously, Al Eagle, director of management services, thinks the lack of current labor force statistics prevents the department from updating its affirmative action plan.²² Mr. Eagle told the Advisory Committee that once these statistics become available, the department will be able to establish goals and objectives for increasing minority and female hire and promotion.

In response²³ to the Advisory Committee's questions, the department indicated that in hiring, requests are made to the recruitment officer with the State division of personnel, Department of Administration. The department can take additional steps towards the recruitment as indicated below.

Within their restrictions and State regulations we can sometimes take any or all of the following actions: printing and distribution of necessary recruitment bulletins, newspaper advertisements, job orders with the State manpower centers, advertise for professional level positions in professional magazines and contacts with colleges. The recruitment bulletins distributed by the division of personnel include contact with minorities and community action groups. External vacancy announcements are controlled by the Department of Administration. Recruitment bulletins issued by the State Department of Administration are posted on departmental bulletin boards. Position vacancy

notices are also circulated to employees advising them, if they're interested in being considered, the necessary steps they would need to take. The department explained that applications are reviewed, ranked, and processed by the Department of Administration. Interviews are conducted by the supervisor of the position: Verbal and written directives are issued from time to time. The commissioner is the final appointing authority and procedures require prior approval before job offers are made over range 16. Consideration of EEO factors is required of supervisors.

Training opportunities within the department are described below:

This department is too small to support an in-house formal training program in human relations, but external sources are utilized. Course offerings may be specifically pointed out to supervisors, and persons may request that an appropriate course be located for a specific training need. (Transactional Analysis, Oral Communications Course, Management Skills for First Line Women Supervisors, Stress in Management, etc.) Courses are offered through the employee development section of the State division of personnel; U.S. Civil Service Commission; American Management Association; U.S. Environmental Protection Agency; and the University of Alaska. When brochures/announcements are received from these sources they are posted on bulletin boards and also circulated to all division directors and regional offices. When an employee needs training he may request it and/or his supervisor would recommend it and with the commissioner's approval the nomination would then be made. Job related training is handled as is human relations training above and is obtained from the same sources and also from the adult education section of the Juneau-Douglas Community College.

Job training requests through the above sources and through various professional and secretarial organizations are often initiated by employees. Any employee may participate in any course as funding, work load, and course relationship to the position permit.

Employees are prepared for upward mobility and new tasks through these training courses. The department does not offer formal career development counseling, "but supervisors and the personnel

²² Juneau Transcript, p. 132.

²³ NWRO files.

office advise of career paths and encourage employees to apply for higher level registers when qualified by additional training and/or experience. Current employees are always considered first for vacancies."

Mr. Eagle is responsible for the department's affirmative action program. He is charged with the following:

Establish recruitment and pre-employment assistance programs designed to obtain a high caliber of public employee, recognize and respond to the special need of racial and other minorities, embody aggressive outreach recruitment and employ Alaska residents wherever feasible; establish and maintain activities that assure all managers and supervisors fully understand the State's equal employment opportunity policies and their responsibilities under them; establish equal employment opportunity program evaluation systems and periodic reports that discover and eliminate factors impeding program effectiveness; participate in community efforts to improve conditions which affect employability; provide opportunities for all employees, especially women and members of racial minorities, to enhance their skills, perform at their highest potential, and advance in accordance with their abilities.

When questioned about the problem faced in recruiting, hiring, promoting, and retaining minorities and women, the department responded: "We are required to hire from State registers and have difficulty getting minorities on the registers. Of those we have been able to hire, our promotion and retention has been very good."

The department has no EEO counselors, and Mr. Eagle counsels as necessary for the department.

The Advisory Committee asked what proportion of agency employees have direct contact with the public. The answer was 90 percent. Asked if they were representative of the population served, the department responded:

EEO IV requires that the department's staff reflect the 'labor force' in the State, not the general population served. To date the State has not developed adequate labor force statistics. Therefore, we can only generally state that we believe this agency is consistent with the labor force.

In the open meeting in Juneau, Mr. Eagle expressed his frustration about the lack of clear guidance for establishing measurable goals and objectives. He expressed the need for assistance and clear guidance from the EEO division and the Department of Administration.⁷¹

Table 6 in appendix A shows the number of employees in the Department of Environmental Conservation by race, sex, and salary range.

Department of Fish and Game

The Department of Fish and Game administers the State program for the management, conservation, and utilization of the fish and wildlife resources in Alaska.⁷² Ronald O. Skoog, commissioner of the Department of Fish and Game, said in an interview⁷³ that the department does not generally recruit for most of its positions, and is satisfied with the Department of Administration's recruitment efforts for applicants on the State civil service register. However, for the highly technical positions within the department, he said, each division does its own recruiting. Each division's recruiting efforts are fairly standard because of the areas of specialization for the positions. They tend to contact the same organizations and universities. For example, Oregon State University is one of the few universities specializing in fish work. When a position opens up, that school is contacted. Advertisements are also placed in professional journals. When division members attend conferences and meetings out of State, they also recruit and solicit applications. To hire a non-Alaskan, written justification must be submitted to and approved by the Department of Administration.

The Northwestern Regional Office of the U.S. Commission on Civil Rights was contacted by a graduate of the University of Washington and a resident of Seattle who applied for a job with the Alaska Department of Fish and Game. This complainant's application had been rejected through a form letter that gave the reason for rejection as out-of-State residence. The complainant said that this had happened to several acquaintances as well.⁷⁴ The Advisory Committee believes that this restrictive practice is probably illegal and subject to challenge.

⁷¹ Juneau Transcript, p. 132.

⁷² Ronald O. Skoog, commissioner, Department of Fish and Game, letter to Victoria Squier, equal opportunity specialist, NWRO, Sept. 7, 1979.

⁷³ Ronald O. Skoog, telephone interview, June 12, 1978.

⁷⁴ Interview in NWRO files.

The Department of Fish and Game is one of the lowest in terms of the employment of minorities and women in the professional staff, Mr. Skoog said. This is because there is not a large trained force in biological sciences and the department doesn't have the pool to draw from, he said. The department has a staff of over 300 biologists. He said that jobs as fish and game technicians don't require a degree, but require primarily on-the-job training. This might be an area, he conceded, in which upward mobility programs could be instituted.

Mr. Skoog said that the department has no problem filling clerical and administrative positions with women and minorities. Table 7 in appendix A shows that this is true for clerical positions, with 82 percent of the 5-9 grade ranges filled by women, 8.4 percent of whom are minority. However, in salary ranges 16-21 only 6 percent are women (.3 percent minority women), and 3.5 percent of the men are minority of the 94 percent men in these jobs. Salary ranges 22-28 are 100 percent white male. Seventy percent of the department employees have direct contact with the public. They have, according to Mr. Skoog, a great deal of contact with the Alaska Natives in rural areas. "In most cases, it is Caucasians dealing with natives," he said.

In the open meetings in Juneau, Advisory Committee member Buchholdt asked Fish and Game representative Russ Clark about bilingual programs. Mr. Clark replied:

Our efforts have probably been . . . less than the best. I would say that in the future you're going to find that our efforts will be much better. Recently we wrote up some job specifications for positions which will be operating primarily in rural Alaskan locations. When the discussion came up about bilingualism, the department's personnel people didn't even know where to go to begin to find out what dialects are spoken in what location. I recommended that a good contact to find out what dialects are spoken in what locations would be to go to the regional corporations and they would be able to help us. My experience to date in dealing with regional corporations has been quite good in that regard.⁷⁵

Asked if the department recruits for technical positions in the field,⁷⁶ Mr. Clark replied:

⁷⁵ Juneau Transcript, p. 122-23.

⁷⁶ Ibid., p. 124.

⁷⁷ Ibid.

⁷⁸ Ibid.

Many of those are temporary summertime positions. . . and primarily dealing in the area of . . . commercial fisheries, sport fisheries, and the FRED division, which is Fisheries Rehabilitation Enhancement Development program. In many cases, we attempt to recruit in the rural locations, particularly on short notice. There are some problems there with hiring people for temporary employment who are not on the eligible list, but I believe that we make attempts. If we cannot get someone (for temporary employment) who's on the eligible list, we hire whoever is available in the local community.⁷⁷

Asked how he made contacts in rural areas,⁷⁸ Mr. Clark responded:

In some locations we attempt to go through the local employment agencies to get the people. . . . In some of the places where we deal, there is no such organization and you pretty much have to deal by word of mouth almost, to say, "Hey, do you know somebody who's willing to quit fishing for awhile to come and help us out on this?"⁷⁹

Mr. Clark indicated he had no idea what percentage of positions in outlying areas are being filled by native people.⁸⁰ He stated that it would take a joint effort on the part of the Department of Administration, division of personnel, and "the operating departments to see that minimum qualifications and job classifications are such that they are open to all people."⁸¹

Table 7 in appendix A shows the number of employees in the Department of Fish and Game by race, sex, and salary range.

Department of Health and Social Services

Commissioner Helen Beirne described the Department of Health and Social Services:

The Department of Health and Social Services is the second largest department in State government. . . . [T]he department activities cover a tremendous area. They include the areas of alcoholism; drug abuse; corrections, including the operation of all the State correctional facilities; mental health, including the operation of the State mental health facilities and the State center for mentally retarded persons; the community health program; social services, adop-

⁷⁹ Ibid., p. 125.

⁸⁰ Ibid., pp. 123-25.

⁸¹ Ibid., p. 138.

tions, and foster care under child protective services; public health centers; itinerant health service statewide; programs for the elderly; and all the welfare programs. Needless to say, we have all the local offices and employees in all the major cities in the State and 40 geographical areas. Most rural villages are also covered.⁸²

Commissioner Beirne reported that as of August 31, 1978, there were 1,686 full-time permanent, part-time permanent, and temporary positions. Of these, 267 were filled by minority employees. Roughly 50 percent of all professional positions, in salary range 16 and above, were occupied by females, and there were 33 professional male and female minority employees.⁸³ Table 8 in appendix A shows approximately 467 positions filled in salary range 16 and above.

Since the department's services bring it into contact with a large proportion of the public throughout the State, the Advisory Committee was concerned about how representative the employees are of the population they serve. Advisory Committee member Walker asked the Commissioner, "In view of the fact that such a large percentage of your personnel deal with the public, do you feel you have sufficient number of people trained in bicultural and bilingual skills who are capable of dealing with the general public?"⁸⁴

Commissioner Beirne replied:

I think I would have to say no, I don't feel that we do. I think we have a large number of people in the rural areas that are certainly not necessarily of the culture in which they're dealing. . . . I feel that. . . . somehow or another we have to stimulate the individuals who are [of] that culture to obtain more training, and hopefully to stay in the rural areas once they are trained. We're finding this is part of our problem. The training has been made available, there are people who are availing themselves of the training, but they aren't always going back to the rural areas. They're choosing to stay in the urban setting.⁸⁵

Ms. Walker asked about provision of emergency services to non-English speaking or bilingual clients when effective communication can be critical. Ms. Beirne responded that in the area of emergency

medical service, people are being brought from the rural areas for emergency medical training and emergency medical services training. She said that a number of health aides from rural areas are going into emergency medical service and being trained as emergency medical trainers.

The Advisory Committee encourages expansion of this training program and provision for similar training in the other service areas of the department where such communication is just as essential, such as corrections, both adult and juvenile, alcoholism, drug abuse, mental health facilities, social services, adoptions and foster care under child protective services.

The total budget of the department is \$160 million, \$80 million of which are Federal funds.⁸⁶ Ben Iverson, civil rights coordinator for the agency, explained to the Advisory Committee that because acceptance of Federal funds requires civil rights compliance, contractors' annual reports showing race and sex of employees and the clients served are being analyzed to determine where "we stand in this area."⁸⁷

The agency has not made an effort to employ minority business contractors nor brought any pressure to bear on contractors yet to improve their EEO posture. Ms. Beirne explained that they used contractors a little differently than other departments in that they give contracts or grants through advisory boards. There is no set-aside program guaranteeing that a certain percentage of awards will be made to minority enterprises. She gave the example of a recent award of a homemaker's contract to Alaska Federation of Natives and said they were chosen over others by the advisory board, not because they are a minority organization, but because they had the best proposal.⁸⁸

Questioned about the department's upward mobility program, Commissioner Beirne replied: "I think we have a similar problem, as do others, that people who are in clerical positions often have a difficult time breaking out of [them]. . . . We're encouraging our clerical people to move on and take additional training."⁸⁹

Ms. Beirne asked Tom O'Donnel, departmental personnel officer, to respond since she thought she had not been with the department long enough to

⁸² Dr. Helen Beirne, commissioner, Department of Health and Social Services, testimony, Juneau Transcript, pp. 162-63.

⁸³ Juneau Transcript, pp. 163-64.

⁸⁴ Ibid., pp. 166-67.

⁸⁵ Ibid., p. 167.

⁸⁶ Ibid., p. 163.

⁸⁷ Ibid., p. 168.

⁸⁸ Ibid., p. 180.

⁸⁹ Ibid., p. 169.

observe the progress made over the years. Mr. O'Donnel said:

[w]e do have some upward mobility plans through the classification process in the various divisions. [An] example of that [would be the] series of social services associate, which is used in lieu of the social worker classes. . . . [I]n the rural areas. . . that plan allows a person to come in at the entry level, progress through training and experience through the social services associate III and become eligible then for the journeyman level of social worker positions. We had approximately 12 positions throughout the State in the division of social services. We have also established a class of community health aides and at this time, the division of public health is presenting recommendations on classification for a career ladder series in that series of community health aides, in order to allow persons to reach a level in health services, not necessarily equivalent to the public health nurse or registered nurse, because of the State licensing requirements, but at least to reach a level above a laboratory aide. We have similar kinds of programs in the probational officer training classes, allowing for promotions to . . . journeyman level, without requiring a degree. And we have another proposed series in the public health nurse series which is . . . under consideration right now by the division of public health. We do have these programs in the divisions and support when they're able to utilize these positions in the rural areas, or utilize them as a trainee level in the urban areas, so that they can be moved to other parts of the State.⁹⁰

The department is unable to determine at this time those divisions where women and minorities are not being regularly promoted on an equal basis with white males because they do not have the statistics on it yet, Ms. Beirne said.⁹¹ Mr. Iverson indicated that an impartial review board has been utilized in the past to evaluate the qualification of each of the applicants for promotion.⁹²

The Advisory Committee was also interested in finding out about human relations training for department employees. Mr. Iverson said that the division of public assistance has mandatory training for all eligibility workers. There are plans to train all staff in EEO on the division level. The money for this training would come from the department's

general training budget and from travel. Mr. Iverson fills the position of civil rights coordinator and shares EEO responsibilities with Mr. O'Donnel on a volunteer basis in addition to being director of administrative services. He has roughly \$8,000 for the civil rights program, he said. He explained that it was primarily for client civil rights but secondarily for EEO.

The Alaska Human Rights Commission, in its annual report of 1978, reported that 25 cases of discrimination had been filed in the division of corrections. "That division does have a high proportion of minority people and complaints from these and from women have been well-founded," the report said. One of the complainants, Marie Muldrow, testified before the Advisory Committee in its Anchorage open meeting. She explained that she was offered a job after her complaint had been filed, but she did not accept it because she feared retaliation from supervisors. She also expressed concern for friends still employed in corrections until the suit is settled.⁹³

The Alaska State Commission for Human Rights reported:

The *Muldrow* case is still pending an appeal from the commission's order after some initial sparring in the superior court.

The superior court will have an important question of statewide application before it in this case. In the *Muldrow* case the complainant established a prima facie case of race discrimination in her failure to become a correctional officer. [In cases brought on behalf of an individual by the human rights commission, the Department of Law represents the agency which has allegedly illegally discriminated.] The State agreed. The State then argued that her case would be explained away by a showing that the officials involved followed the personnel rules. The commission held that such a showing, even if it were true, could not rebut a prima facie case. The crucial question, then, which all employers must face, is what evidence it takes to overturn a prima facie case of discrimination.

Table 8 in appendix A shows the number of employees in the Department of Health and Social Services by race, sex, and salary range.

⁹⁰ Ibid., pp. 169-70.

⁹¹ Ibid., p. 179.

⁹² Ibid., p. 177.

⁹³ Anchorage Transcript, pp. 217-20.

Department of Labor

The Public Employment Relations Act of 1972 designated the State Department of Labor as an integral part of Alaska labor activities:⁹⁴

The department's labor relations activities include maintaining liaison with the political subdivisions of the state to increase their awareness of their rights and responsibilities under the Public Employment Relations Act, offering services as mediator in labor-management contract negotiations and performing services as requested by the State Labor Relations Agency.⁹⁵ The commissioner is charged with ensuring adherence to Federal and State regulations in all pipeline-related efforts concerning employment of Alaskans (which the department is to maximize), labor law compliance, and occupational safety and health standards. The divisions in the department include the following: the employment security division, which is funded and operated under the guidelines and standards of the Employment and Training Administration, U.S. Department of Labor; Occupational Safety and Health Division, which conducts compliance inspections of places of employment; workmen's compensation division, which records all work injuries and supervises the handling of each case; and the wage and hour division, which recovers wage and/or fringe benefits owed to workers, establishes and maintains wage and overtime standards, determines prevailing wage rates under public contracts, and enforces the child labor law, private employment and resident hire on public contracts, and oil and gas leases.⁹⁶

The need for updated information on the Alaska labor force for each racial category has been addressed previously, and staff of the Northwestern Regional Office of the U.S. Commission on Civil Rights was told that the Department of Labor is in the process of gathering this data.

A representative from the department was unable to attend the open meetings, but a written response to the Advisory Committee's questions was prepared at the direction of Edmund N. Orbeck, commissioner. The response indicated that the department has had little difficulty in recruiting women. Female employment with the agency represented 58.6 percent of total employees as of July 1978. Minorities represented 12.3 percent of total employ-

ment, or 3.1 percent below parity with the labor force.⁹⁷

As in other departments the EEO officer for the agency needs to work with the EEO division of the Department of Administration to update its affirmative action plan to include goals and timetables and utilization analysis.

The department has had problems recruiting out-of-State personnel because the Department of Administration's requirements are restrictive and time consuming. Recruiting problems for the division of occupational safety and health were examined by the U.S. Civil Service Commission and the U.S. Department of Labor in December 1977,⁹⁸ and these problems still existed at the time of the Commission's study.

Another problem addressed in the Federal review is still causing confusion throughout the agency. The agency inconsistently uses racial and ethnic categories on various forms and duplicates the inclusion of American Indians, Eskimos, and Aleuts in the broad category "other races." "Equally confusing is the agency's definition of Spanish-speaking as a 'sum of Spanish-speaking and all races except white'."⁹⁹ This was confusing to NWRO staff (as discussed in chapter 1) in trying to determine population and labor force participation rates. Consistent definitions need to be developed. Table 9 in appendix A shows the number of employees in the Department of Labor by race, sex, and salary range.

Department of Law

This department provides legal counsel for the State, which includes rendering legal opinions, representing the State in all civil actions involving the State, providing information on uniform laws, and prosecuting violations of State law.

Avrum M. Gross, attorney general, told the Advisory Committee in Juneau that he could best explain the department's EEO compliance by comparing present staffing by race and sex to the staffing pattern of 1974 when he assumed office. The 1974 and 1978 comparisons are summarized in table 4.4 and have been updated to include the 1979 figures furnished in writing by the department that reflect successful recruitment of two additional minority attorneys.

⁹⁴ Alaska Stat. §§23.40.070-23.40.260.

⁹⁵ Alaska Blue Book 1977, p. 54.

⁹⁶ Ibid., pp. 54-56.

⁹⁷ Response in NWRO files.

⁹⁸ State of Alaska, *Qualitative Review of Personnel Operations of the Division of Occupational Safety and Health of the Alaska State Department of Labor* (1977), p. 15.

⁹⁹ Ibid., p. 12.

Table 4.4**Department of Law Employees**

Division	1974		1978		1979	
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
Administration and Support	2 White	—	2 White	—	2 White	—
Attorney General	1 White	—	1 White	—	1 White	—
Deputy Attorney General	1 White	—	1 White	—	1 White	—
Civil Division	38 White 1 Minority	4 White 0 Minority	40 White 0 Minority	15 White 2 Minority	32 White 1 Minority	20 White 3 Minority
Criminal Division	24 White 0 Minority	2 White 0 Minority	37 White 1 Minority	7 White 0 Minority	37 White 0 Minority	9 White 0 Minority

Source: Table prepared by NWRO from testimony of Avrum M. Gross, attorney general, Department of Law, Alaska Advisory Committee open meeting, Sept. 11, 1978, Juneau.

As can be seen from table 4.4, there has been some improvement in the ratio of women to men in the department, but no significant gains in improving minority to nonminority. More women than men have been hired during the past 4 years because the department deliberately reached out to get women. They have also reached out to get minorities, Mr. Gross said, but they have not been as successful. He offered two reasons for this: (1) fewer minority applicants, and (2) recruited candidates accepting job offers elsewhere.¹⁰⁰

Richard I. Pegues, assistant attorney general, elaborated on recruitment problems in a written response to questions from NWRO staff.¹⁰¹ "Our recruitment of minorities has been discouraging. Since there are no law schools in the State, simply locating qualified minority applicants is a problem." He added:

Our 1978 recruiting trip has resulted in a firm offer of a job to a minority attorney. . . . Because of our distance from legal recruiting sources, we see no other workable means of attracting minority applicants other than the trips [to law schools in other States] we began undertaking in 1976.

Hiring and promoting presents no real problem once recruitment is accomplished. Retention of professional staff is somewhat better in Alaska where the median percent of attorneys who have been with the office 4 years or more is 43 percent as compared to 25 percent nationwide.

The turnover rate for non-professional staff is 20 percent annually. This compares with an overall annual rate for general government employees which exceeds 25 percent. While these rates are large, they are probably a result of the high mobility of the Alaskan work force more than any other factor.

The Advisory Committee encourages the department to broaden its network by expanding recruitment efforts to hire experienced attorneys already in practice within and outside the State for attorney positions. Expanded recruitment efforts are needed to increase the number of minorities filling clerical, legal secretarial, and paralegal assistant positions.

¹⁰⁰ Juneau Transcript, pp. 93-97.

¹⁰¹ Response in NWRO files.

¹⁰² Alaska Blue Book 1977, pp. 59-61.

¹⁰³ Juneau Transcript, p. 139.

Table 10 in appendix A shows the number of employees in the Department of Law by race, sex, and salary range.

Department of Military Affairs

The Department of Military Affairs coordinates the activities of the Alaska Army National Guard, Alaska Air National Guard, Alaska Disaster Office, and the Civil Air Patrol's Alaska Wing.¹⁰²

At the time of the Advisory Committee's meeting in Juneau, the Department of Military Affairs did not have an updated affirmative action plan of its own but used the Governor's plan as a guideline. Lois Wingo, personnel officer and EEO coordinator for the department, told the Advisory Committee, "I feel that the unwritten program probably works better than a written program." She added that she thought the Governor's plan is applied by the department as far as training, upward mobility, the recruitment process, grievance procedures, advice, and counseling.¹⁰³ Ms. Wingo told the Advisory Committee that the department intends to update its plan with the assistance of the EEO division of the Department of Administration.

The first basic training course for women to be conducted by a National Guard headquarters graduated a class of 51 guardswomen in 1976.¹⁰⁴ Ms. Wingo said that the department does not have a problem placing women in nontraditional jobs. She said that there are, for example, two women mechanics who service the C-130s in the Alaska Air Guard and that recruitment in the National Guard is open to women for all duties that are available to men, except combat positions. They're allowed to serve in support positions instead.¹⁰⁵

Table 11 in appendix A shows the number of employees in the Department of Military Affairs by race, sex, and salary range.

Department of Natural Resources

The Department of Natural Resources administers the State program for the conservation and development of natural resources, excluding fish and game. It also develops, protects, and administers the State program for historic and archeological sites, objects, and related matters.¹⁰⁶

In the Anchorage open meetings, Advisory Committee member Rosalee Walker asked Robert L.

¹⁰⁴ Alaska Blue Book 1977, p. 60.

¹⁰⁵ Juneau Transcript, p. 156.

¹⁰⁶ Alaska Blue Book 1977, p. 62.

Resche, commissioner of the Department of Natural Resources, if his department affects more minorities than any other in the State. He replied, "Oh, it's possible I expect, given the fact that their whole commercial future is tied to land, and that is what we are into."¹⁰⁷ He said there were no minorities at the decisionmaking level.

Ms. Walker then asked:

Have you had any instances where decisions were made that you thought might have been advantageous to... have a native at a decision-making level to advise or to make that decision, based on the native knowledge of the resources and the land here?

Mr. Le Resche replied: "Absolutely. There is more than one way to do that, however. That is to consult with other people outside the State government. It would certainly be useful to have someone handy like that."¹⁰⁸ Mr. Le Resche said that one problem is, that to improve local hire, the schools within the State will have "to be turning out petroleum managers, land managers, park technicians."¹⁰⁹ He said, "Over the next 30 years this department is going to be hiring a lot of technical people."¹¹⁰

Chairman William Hensley asked Mr. Le Resche if the State had plans to establish university programs relating to geology and park management to train working people.¹¹¹ Mr. Le Resche replied that it would be the ideal way to improve minority and female representation in the professional level jobs. But he added that he knew of only one program that would lead to professional training through the university and that was in another department. He said that it had taken 18 months to get the program set up.

In recent months, he said, the Department of Natural Resources has had several employees who have been promoted into professional jobs for which they weren't qualified 5 years ago, but they gained experience on the job. However, this kind of promotional upgrading was a "catch as catch can thing" and there is no systematic plan for building permanent career ladders.¹¹² Mr. Le Resche said that the University of Alaska offered some courses in natural resources, "but they go only so far." He said

that there is a good geology department and a land management curriculum which has few enrollees, but they do not give a petroleum degree there.¹¹³

Advisory Committee member Walker suggested that the department consider allocating funds to establish a specific program to train minorities and women so they could reach the decisionmaking level. Mr. Le Resche replied that he thought there would be a fair to moderate chance of the department setting aside funds for such a program.

At the time of the Advisory Committee's meeting in Anchorage, the Department of Natural Resources did not have an up-to-date affirmative action plan. Mr. Le Resche indicated that he, as director of EEO for the department, needed assistance in drawing up a plan that would adequately address the problems of underrepresentation and underutilization of women and minorities. He was hopeful that this would be provided by the EEO division and that problems of the civil service regulations would be addressed by the blue ribbon commission appointed by the legislature to investigate personnel policies.¹¹⁴

Table 12 in appendix A shows the number of employees in the Department of Natural Resources by race, sex, and salary range.

Department of Public Safety

The Department of Public Safety has five divisions: State Troopers, fish and wildlife protection, fire prevention, motor vehicles, and administrative services. There is also a traffic safety planning agency.¹¹⁵ Although the Department of Public Safety was unable to send a representative to the Advisory Committee's meetings, it responded in writing to questions about recruiting, hiring, and promotion practices as follows:¹¹⁶

- A special employment interview is conducted for State Trooper applicants. This is a three-person panel composed of one member from Alaska State Troopers, one member from fish and wildlife protection, and one female from public safety personnel office. The questions and scoring device were developed by the division of personnel.

- There is no affirmative action plan for the total department, but there is an affirmative action recruitment plan for State Trooper recruits. (A

¹⁰⁷ Anchorage Transcript, p. 12.

¹⁰⁸ Ibid., p. 13.

¹⁰⁹ Ibid., p. 9.

¹¹⁰ Ibid., p. 10.

¹¹¹ Ibid., p. 11.

¹¹² Ibid., p. 12.

¹¹³ Ibid., p. 13.

¹¹⁴ Ibid., pp. 11-22.

¹¹⁵ Alaska Blue Book 1977, p. 65.

¹¹⁶ Response in NWRO files.

draft departmental plan is to be reviewed by the State's division of equal employment opportunity.)

- Public safety has no particular upward mobility program. Each employee is responsible for his or her upward mobility. Public safety will assist to the extent possible by providing training opportunities.

The department developed a program for hiring constables specifically as an aid to hiring minorities for the native villages. Constables do not have to meet the same minimum qualifications as State Trooper recruits. They are given stringent training at the academy.¹¹⁷ Recruitment is done through personal contacts by troopers, media advertising, and correspondence with native corporations and other minority and women's organizations.

In its annual report, the Alaska Human Rights Commission described its negotiations with public safety on discrimination in the troopers job class:

Our pattern has often been to deal initially with a defensive and even hostile department, division chief, or departmental personnel officer. As the facts develop, however, that department's attorney which handles all its routine business steps in and often persuades the department to settle rather than litigate a losing case. We have seen considerable growth in understanding this complex law among these attorneys, few if any of whom had any experience with civil rights law before coming in contact with our complaints.

The most dramatic example of this type of settlement dynamic was a major effort we launched 2 years ago against discrimination in the trooper's job class, which includes fish and wildlife protection officers. We were expecting to go to hearing, with a collateral attack in Federal court on the State's Federal revenue sharing and LEAA money, when the attorney general himself personally reversed his subordinates and informed the offending department that the case was to be settled on our terms. That agreement, which we [have monitored] for compliance, required a complete rewriting of a written exam which had not been validated but was excluding a high proportion of minorities. The department was also required to write a comprehensive affirmative action plan and to hire one minority person or female for every

two white males it hired [provided that sufficient minority and/or female applicants are available, appear on the expanded master list of eligibles, and are qualified under all the selection devices]. Natives and blacks were to be specifically included. Since such a ratio remedy sometimes required dipping below the top five, the attorney general, in a written opinion, authorized the procedure as a remedy for past discrimination.¹¹⁸

Dr. John E. Angell, University of Alaska, presented a report to the Alaska Criminal Justice Planning Agency in March 1979 that examined the delivery of services to 56 native villages in Alaska. Following is a summary of that study which appeared in the *Tundra Times* on March 21, 1979.

State law enforcement and justice agencies should take steps to ensure that their employees receive training which will give them a better understanding of native cultures, traditions, and problems.

Angell said many of Alaska's villages are virtually invisible to the criminal justice agencies of the State and that residents there are in greater danger of accidental death or injury, homicide, assault, rape, and suicide than are residents of urban areas.

Most villages have to rely on the Alaska State Troopers in serious matters, but often help does not come for several hours or even days, Angell's study revealed. Many villages do not have adequate means of emergency communications and, in some instances, have to use the mail to signal their need for help.

Troopers are rarely seen except in emergency situations, but representatives of other criminal justice agencies are seen even less often, said the study.

About 25 percent of the villages studied do not have village police officers. In those that do, not enough of the officers have received formal training from the State. And, most of the villages do not have the large sources of income to attract and keep qualified officers.

Dr. Angell emphasized that there are several distinct native cultures in Alaska and each must be considered individually by State criminal justice and social services agencies in dealing with natives in different areas of the State. Also,

¹¹⁷ Mel J. Personnett, deputy commissioner, Department of Public Safety, letter to Joseph T. Brooks, Director, Northwestern Regional Office, U.S. Commission on Civil Rights, Oct. 26, 1978.

¹¹⁸ State of Alaska, Human Rights Commission, *Annual Report, 1978*, p. 35. Relief agreement between the human rights commission and the Department of Public Safety, signed March 1976.

records for native villages are inadequate when compared to the urban areas of the State, Angell said.

The levels of support and services currently being provided these communities and their residents are neither equal to those performed by the State in urban areas nor, in some cases, such as response to village emergencies, sufficient to meet the standards which citizens of American society have a right to expect, Angell said.

Residents of the villages studied requested better education and assistance in understanding the operations of the State's criminal justice agencies and a better understanding of the native cultures by the State agencies.

Among the recommendations made in the report were that the criminal justice planning agency, in cooperation with the Department of Community and Regional Affairs and native organizations, should establish regional guidance committees for justice planning and that action be taken to increase the visibility of public safety and justice situations in rural communities.

The report recommended also that State justice agencies increase their employment of Alaska natives and ensure that natives are placed in professional and policy level positions.

Table 13 in appendix A shows the number of employees in the Department of Public Safety by race, sex, and salary range.

Department of Revenue

The Department of Revenue is the State's tax collector and treasury. The department determines, administers, and enforces the tax system and the proper custody and investment of State funds.¹¹⁹ Phillip Wall, administrative director and director of EEO, represented the Department of Revenue at the Anchorage open meeting. He told the Advisory Committee that the minority level within the department has consistently been below that desired by the goals in the affirmative action plan. He said that the level of women in the department has been consistently higher than that required by the goals and in fact about 70 percent of the employees are women. Figures in table 14, appendix A, show 62 percent women.¹²⁰ Of the 28 positions in salary ranges 22-28,

however, all are male and only 37 percent of the positions in ranges 16-21 are female. The table indicates 1 minority male in ranges 22-28, although Mr. Wall indicated that this person had left the department.

To ensure that minorities and women will move up in the department, a career path program has been developed. Mr. Wall explained that there are five or six career paths that peak at pay ranges 22-24. The paths are in the specialized areas of accounting, audit, enforcement, investment, and, to a more limited degree, in data processing. At the time of initial hire, employees are counseled about these career paths and encouraged to apply for them. Mr. Wall said that because it is very costly to lose employees and train replacements, the department prefers to train employees and have them grow in the department through a career path.

There is a training program policy which pays the cost of tuition, materials, and, in some cases, transportation. Employees also participate in seminars aimed at enhancing their abilities in supervision and in technical areas. Mr. Wall estimated that approximately 30 percent of the department employees take advantage of the outside course work over a given period of time and 70 percent participate in the seminar programs. Employees participating in training programs and attending seminars must sign a contract with the department promising to pay the department back if they do not maintain a satisfactory grade level of C.¹²¹

As in other departments, personnel must be on the promotion register to be eligible for promotion. Examinations for eligibility are developed by the Department of Administration. Mr. Wall said that the Department of Revenue does have input in the design of those exams which are unique to it. The department has received permission from the Department of Administration to administer oral examinations to those people who have difficulty passing the written exam. He estimated that there are approximately six people in the department who have been promoted through the oral examination procedure, some more than once.¹²²

Mr. Wall conceded that even oral examinations may not be helpful for persons with language difficulties. He told the Advisory Committee that of six Filipinos in the department who have been with the department over 5 years, only one has pro-

¹¹⁹ *Alaska Blue Book 1977*, p. 70.

¹²⁰ Anchorage Transcript, pp. 25-26.

¹²¹ Anchorage Transcript, pp. 32-47.

¹²² *Ibid.*, pp. 33, 48.

gressed to range 12. The others failed to pass the examinations, he said, although they are performing their jobs competently. Advisory Committee members suggested that the department consider using an interpreter for examinations for those positions in which English language facility would not be a requirement for performance of the job.¹²³

Another problem area identified by Mr. Wall is the lack of bilingual-bicultural personnel within the department, particularly in the field in northwestern Alaska for provision of tax preparation assistance.¹²⁴

Assistance from the Department of Administration's division of EEO and outside sources would facilitate wider recruiting efforts (for example, specialized positions in investment are advertised only in the *Wall Street Journal*), help the department set more realistic goals and objectives, and personalize the affirmative action plan for each employee, Mr. Wall told the Advisory Committee.¹²⁵

Table 14 in appendix A shows the number of employees in the Department of Revenue by race, sex, and salary range.

Department of Transportation and Public Facilities

The Department of Transportation and Public Facilities is responsible for the construction, maintenance, and operation of all State ferries, airports, docks, floats, breakwaters, buildings, and communication facilities. The department also constructs, maintains, and operates all State highways, bridges, traffic signs, and signals.¹²⁶

On July 1, 1977, the departments of highways and public works were combined to form the Department of Transportation and Public Facilities. Eleanor Ouzts, who serves as the civil rights coordinator, represented the department at the open meetings in Juneau. She has responsibility for coordinating programs on contract compliance, Title VI, minority business enterprises, and complaints, as well as internal EEO. She has a staff of six.¹²⁷ There are a total of 3,219 employees in the department, of whom almost "1,200 are part-time seasonal or people with marine transportation." Ms. Ouzts told the Advisory Committee, "Our overall percentages for male and female minorities has not been at the level that we

would like to see it."¹²⁸ She added that she has not had sufficient staff in the past to undertake the type of review she feels is necessary to find out where the problems are. She told the Advisory Committee that she would like to see changes in the following areas to improve EEO problems:

1. Goals and timetables structured according to the department's organizational structure.
2. Increased training for EEO staff and supervisors in divisions in EEO.
3. Increased outreach programs.
4. Centralization of programs for upward mobility, EEO counseling, and career ladders. Individual departments putting together these programs fragment the programs, Ouzts said, and much more could be accomplished by consolidating the programs.¹²⁹

Ms. Ouzts explained that her primary role in the department is a result of Federal funding and that her office's best program in contract compliance is for the Federal Highway Administration. "I have not had the staff to get into the State funded programs," she said, and for these, there is no requirement by statute that contract compliance programs be conducted.¹³⁰

In its annual report for 1978, the State human rights commission indicated that over 3-1/2 years, 31 complaints have been filed (or 15 percent of those filed) against the Department of Transportation. The report stated, "The filing rate against transportation is explained in part by a number of complaints by women seeking equal work opportunities on the ferry system. That issue has been decided by the Supreme Court [State] and will dispose of our cases."¹³¹ The State supreme court issued its decision September 15, 1978, finding sex discrimination by the division of marine transportation in hiring for the marine highways system.¹³² The Alaska Supreme Court held that the ferry system's discriminatory hiring practices were not justified by the problem of providing berthing for women or by problems over such matters as heavy lifting or the need for men to clean the men's toilets.¹³³

Employees of the marine highway system are represented by three unions, the Inland Boatman's Union (IBU), Marine Engineers Beneficial Associa-

¹²³ Ibid., p. 38.

¹²⁴ Ibid., p. 30.

¹²⁵ Ibid., pp. 31-46.

¹²⁶ *Alaska Blue Book 1977*, pp. 50-53 and 67-69.

¹²⁷ Juneau Transcript, p. 90.

¹²⁸ Ibid.

¹²⁹ Ibid., pp. 71-92.

¹³⁰ Ibid., p. 103.

¹³¹ State of Alaska, Human Rights Commission, *Annual Report 1978*, p. 33.

¹³² Ibid., p. 47.

¹³³ *McLean v. State*, 583 P.2d 867 (Alaska 1978).

tion (MEBA), and the International Organization of Masters, Mates and Pilots (MMPT). The IBU represents approximately 500 employees of the Alaska State Ferry System. The IBU membership consists of all unlicensed personnel on vessels—deck hands, passenger engineers, stewards, and pursers. Greg S. O'Claray, president of the IBU, said in an interview¹⁹⁴ that 18 to 20 percent of its members are minorities or women; most of the minorities are Alaska natives.

IBU's contract with the ferry system includes a union shop; persons hired by the State have 31 days to join the union or they are terminated. The turnover rate is very low and the demand for jobs high. Mr. O'Claray said there were about 3,000 applications for 100 summer jobs on the ferries. Promotions are based strictly on seniority, according to the contract; there is no merit system and no provision for affirmative action in the upward mobility of women and minorities.

Mr. O'Claray believes that the union "has promoted women moving into nontraditional jobs." However, he said that he encounters two problems—wives of male workers object to close living quarters, which sometimes means sharing rooms and toilet and shower facilities; and women who enter these newly-opened fields are not staying in the industry. Probably, the reason they don't stay, he explained, is because they encounter resistant attitudes among some males. He had no suggestions for combating this problem, but expressed a strong belief that the first could be eliminated by providing separate facilities for women on board ship. Mr. O'Claray said that such accommodations are perfectly feasible on ships, although it "would cost the companies of the State some money."¹⁹⁵

The MEBA represents licensed engineering personnel, both onshore and offshore. There are currently 65 members employed under public contracts: 62 in the Alaska State Ferry System and 3 on the North Star (a Bureau of Indian Affairs fishing boat). In an interview, Steve Franks, business agent, and Karl Landgrebe, union representative¹⁹⁶ said that to their knowledge none of the engineers are women and none are minorities. Mr. Franks said that the union "will place anybody licensed. There are no bars in their hiring practices." The demand for marine engineers is very high in this area, Mr.

Franks said, and he has "already told the membership" that a minority or female engineer could "have the pick of the jobs," because of the demand under affirmative action requirements. Private companies, he noted, consistently ask for such referrals; Alaska State Ferries has not made the same request.

Under the terms of public agency contracts, the union does not serve as a hiring hall. Hiring is done directly by the State personnel system. The union provides an open referral system, responding to calls for referrals only when the State cannot fill jobs. Because of stringent licensing practices and subsequent shortage of qualified engineers, the union often makes such referrals.

The licensing and training requirements, although necessary for safe ship operations, pose what Mr. Landgrebe sees as the major obstacle to any immediate increase in the numbers of minorities or women working in the craft (although Mr. Landgrebe and Mr. Franks both noted improvement in representation in recent years). Licenses are controlled by the U.S. Coast Guard and are granted only after extensive examinations and prescribed experience in each category (e.g., diesel, steam). Ratings include (from the top down) chief engineer, engineer first class, second class, and third class. Individual preparation time for each level of rating varies considerably, since there is no single training route for all engineering personnel. The best formal training is provided by the maritime academies (California, Maine, National) or by the union's own school (Baltimore, Maryland); these range from 2- to 4-year programs and culminate in a degree or certificate, but graduates must still pass the coast guard exams. Other persons learn the craft on the job and sit for exams at their own discretion. By any route, it is a process defined in terms of years, not months. There are several women and minorities now undergoing training at the union school, but it will be a matter of "a couple of years" before they are licensed.¹⁹⁷

The MMPT union has one contract with the State of Alaska, covering the ferry system. There are 67 masters, mates, or pilots employed in the system, all of whom are required to be union members. Those not members at the time of hiring are required, under the terms of the contract, to join within 31 days. Seven deck officers in Alaska are minority members, all Alaska Native. There are no female

¹⁹⁴ Greg S. O'Claray telephone interview, Aug. 10, 1978.

¹⁹⁵ Ibid.

¹⁹⁶ Steve Franks, business agent, and Karl Landgrebe, union representa-

tive, Marine Engineers Beneficial Association, District No. 1, Pacific Coast District, interview in Seattle, Aug. 8, 1978.

¹⁹⁷ Ibid.

deck officers in the Alaska Ferry System. Alaska Natives are not recent additions to the union; most have been in service for "5 to 25 years."¹³⁸

Under the negotiated agreement, MMPT provides an "open referral system" to the State instead of the traditional "hiring hall." There have been "very few or no" vacancies in the ferry system within the past several years, so Captain David Boyle has not made any such referrals. Demand for licensed deck officers in private shipping is high in Alaska, and the union "can place anybody with the required licenses." (Licensing of masters, mates, and pilots in Alaska is more stringent than in any other State; three additional licenses are required for pilots, above the basic U.S. Coast Guard certification. It takes an individual approximately 8 years to become a fully licensed master on Alaskan ships.

Tables 15 and 16 in appendix A show the number of employees in the Department of Highways and Transportation by race, sex, and salary range.

Alaska Court System

The court system is the judicial branch of the State government and includes the supreme court, superior court, district court, and district magistrates.¹³⁹ The affirmative action plan for the court system applies only to classified jobs, which include administrative personnel, law clerks, secretarial, and clerical positions. Justices of the supreme court and judges of the superior and district courts are chosen by the Governor from nominees submitted by the judicial council. The judicial council includes the chief justice as chairman, three lay members appointed by the Governor with the consent of the legislature, and three attorneys appointed by the Board of Governors of the Alaska Bar Association. Magistrates are appointed by and serve at the pleasure of the presiding judge of the superior court in the district in which they serve.¹⁴⁰ This report will focus only on the classified positions and will not address affirmative action concerns in the selection of justices, judges, and magistrates.

A quarterly report of EEO published by the court system identifies problem areas and provides an assessment of progress towards meeting goals and timetables.¹⁴¹ Carol Capra, personnel analyst repre-

senting the court system at the Alaska Advisory Committee's open meeting in Anchorage, was asked if goals were set on a statewide basis, by judicial district, or by geographical area. Ms. Capra explained that they are set by judicial areas with the exception of Fairbanks, which includes only the city area and not the entire judicial district. This is done because Fairbanks itself has considerably fewer Alaska Natives than the fourth judicial district as a whole and the jobs are located in Fairbanks. Alaska Natives in Fairbanks represent 7 percent of the population and 27.4 percent in the whole fourth judicial district.

Ms. Capra told the Advisory Committee that there are currently no Alaska Natives in the classified positions in Fairbanks, and it is an area that the EEO staff within the court system is working on. No applications have been received from Alaska Natives, she said, and it has been 3 years since personnel has made contact with minority organizations in the area. Reactivation of these contacts would probably increase minority applications, according to Ms. Capra, and there are plans for doing this.¹⁴² She said the court system does its own recruiting and has its own eligibility list.¹⁴³

Asked if the court system has a career development program for women and minorities, Ms. Capra replied that although there is no formal program, the system does have a 100 percent reimbursement program for courses successfully completed that are directly related to the person's present position.¹⁴⁴ Asked about the accuracy of statistics that indicate there is only 1 male minority employee and 1 female minority employee out of 57 above salary range 15 (see table 17 in appendix A), she could not offer an explanation other than the lack of minority applicants with masters and law degrees.¹⁴⁵

Legislative Affairs Agency

The general services agency for the State legislature is organized under the executive director into three service divisions: administrative services, legal services, and research services.¹⁴⁶ As can be seen from table 18 in appendix A, there are no minorities on the permanent year-round staff of the agency. Kathy Martinson, director of the division of admin-

¹³⁸ Captain David Boyle, business agent, International Organization of Masters, Mates and Pilots Pacific Maritime Region, Branch No. 6, interview in Seattle, Aug. 10, 1978.

¹³⁹ *Alaska Blue Book* 1977, p. 106.

¹⁴⁰ *Ibid.*, p. 105.

¹⁴¹ Quarterly reports furnished by court system for last quarter of fiscal year 1977 and first quarter of fiscal year 1978 (NWRO files).

¹⁴² Anchorage Transcript, pp. 85-87.

¹⁴³ *Ibid.*, p. 95.

¹⁴⁴ *Ibid.*, p. 96.

¹⁴⁵ *Ibid.*, pp. 94-95.

¹⁴⁶ *Alaska Blue Book* 1977, p. 103.

istrative services who represented the agency at the open meetings in Anchorage, told the Advisory Committee that the agency had no affirmative action plan and no EEO officer. Ms. Martinson explained that all classified positions are political appointments and that the bulk of these positions are filled by the legislators themselves.¹⁴⁷ "They hire who they want to hire," she said. Asked whether there are any stated criteria for selecting job candidates, Ms. Martinson replied, "Not that I know of."¹⁴⁸ She said they do not utilize the State personnel system. No efforts are made to recruit minorities and it has not been discussed in personnel discussions.

On the temporary staff there are 12 minorities of a total of 146 positions (8 percent), and 11 are in secretarial and clerical positions (see table 18 in appendix A).

University of Alaska

The administrative headquarters of the University of Alaska are located on the campus at Fairbanks, which offers a full range of academic programs. Anchorage's campus has baccalaureate and master's degree programs as does Southeastern Senior College in Juneau. Community colleges are in Anchorage, Juneau-Douglas, Kuskokwim, Matanuska-Susitna, Northwest, Kenai Peninsula, Kodiak, Ketchikan, and Sitka. There are also extension centers throughout the State. The university also offers correspondence study programs, military on-base programs, extension programs in mining and fisheries, and summer sessions. The cooperative extension service offers programs in agriculture, home economics, and community development.¹⁴⁹

Table 19 in appendix A presents a statewide summary of employees at the University of Alaska displayed by sex, race, and job classification. Males hold 67 percent of the faculty positions and 94 percent of the executive and managerial positions. Females hold 93 percent of the clerical positions, and of the 1,348 women employed throughout the university system, 45 percent are in clerical positions. There are 71 (6 percent) minorities, 48 male and 23 female, in faculty positions; 2 male minorities in executive-managerial positions; 12 male and 10 females (total of 5 percent) in professional, nonfaculty positions; 3 males and 44 females in clerical jobs;

22 males and 14 females in technical-paraprofessional positions; 11 males (10 percent) in skilled craft positions; and 22 males and 34 female minorities (36 percent) in service-maintenance positions.

The University of Alaska has an affirmative action plan that is directed not only towards employment policies and actions but also the delivery of educational services at all levels and facilities of the university.¹⁵⁰

The statewide EEO/AA officer is assisted by an equal opportunity-affirmative action advisory council consisting of faculty, staff, and students appointed by the office of the president. The statewide and local personnel offices, with the appropriate supervisory and executive staff, and the statewide EEO/AA officer in coordination with the office of institutional studies prepares several annual analyses to identify and correct any discriminatory barriers to employment, advancement in employment, or conditions or terms of employment. The AA plan also describes two formal grievance mechanisms available to members of the university community; the university assembly grievance/ethics committee and the University of Alaska Board of Grievances. The plan addresses training programs, consideration of individuals not currently in the work force to increase the applicant pool, and affirmative action for the handicapped.¹⁵¹ Since the university is an autonomously operating body, it does not fall under the rules and regulations of the Department of Administration for recruiting, hiring, and promotion; it operates its own program in these areas.

At the Advisory Committee's open meetings in Anchorage, Carl Westman, director of statewide personnel for the University of Alaska, said that the recruitment pool for the university is a national pool and that faculty positions are recruited from all over the country. Acknowledging that faculty positions are dominated by white males, Mr. Westman said that men and women "may come out of undergraduate school in relative parity, but when they come out of the graduate, professional programs, it's no longer at parity. And what I'm suggesting," he said, "is that . . . not only perhaps in the way we employ people, but also in the way they select people who will become eligible for employment, that same attitude of discrimination may exist."¹⁵²

¹⁴⁷ Anchorage Transcript, p. 103.

¹⁴⁸ Ibid., p. 107.

¹⁴⁹ Alaska Blue Book 1977, pp. 121-22.

¹⁵⁰ University of Alaska, *Affirmative Action Plan and Work Force Analyses*, February 1978, p. 1.

¹⁵¹ Ibid., pp. 6-22.

¹⁵² Anchorage Transcript, p. 68.

Asked if the university had ever refused to fill a position because of inadequate affirmative action efforts, Mr. Westman responded that the mechanism was available and that the EEO/AA officer must clear the hiring of a person for any position.¹⁸³ Records are kept on all hires and promotions on the applicants, including reason for rejection or acceptance.

The Advisory Committee is concerned not only about underrepresentation of minorities and women in all job categories of the university system but also about the positive steps the university should be taking to train and educate minorities and women and particularly Alaska Natives. According to Mr. Westman, there are unique job opportunities for Alaskans, in addition to faculty positions. Recruitment is conducted within the State, he said, and they "make the availability of these jobs known very carefully to the native born people in the State, and other minorities as well."¹⁸⁴ The university also provides training for State agency personnel in various departments throughout the system, with

¹⁸³ Ibid., pp. 75-81.

¹⁸⁴ Ibid., p. 75.

the departments subsidizing the cost of the program.¹⁸⁵

Suits have been brought against the University of Alaska alleging race and sex discrimination. In the *Brown* case, described previously by plaintiff Greeta Brown, the Alaska Supreme Court ruled that the University of Alaska failed to justify the discrepancy between a female employee's salary and that of her male counterparts and, hence, was liable to the female employee for discrimination in the payment of wages.¹⁸⁶ Elaine Ramos, an Alaska Native, initiated action against the University of Alaska alleging discrimination in her dismissal. This controversial issue, which received considerable publicity in the news media, was never resolved because Ms. Ramos dropped all action on the charges. The Advisory Committee has also received complaints from Alaska Native organizations that they have difficulty in gaining access to jobs in the university system.

Table 19 in appendix A represents a statewide summary of employees of the University of Alaska by race, sex, and job classification.

¹⁸⁵ Ibid., pp. 82-83.

¹⁸⁶ *Brown v. Wood*, 575 P.2d (Alaska 1978).

Conclusions, Findings, and Recommendations

After examining the status of women and minorities in each department, the State personnel system, and enforcement efforts of State and Federal agencies and listening to complaints from people who have attempted to get into the system and from those in the system who have experienced problems in gaining promotions, the Alaska Advisory Committee to the U.S. Commission on Civil Rights concludes that women and minorities are underrepresented in State employment.

Women and minorities are underrepresented in top management and administrative positions. Women for the most part are confined to the lower paying clerical, secretarial, and technical positions. Alaska Natives are severely underrepresented in State departments that determine policies affecting Alaska's resources and the programs designed to provide them with special assistance. Tables in appendix A summarize employment statistics for all departments in the administrative, the judicial, and the legislative branches of the State government.

The Advisory Committee has identified some of the barriers to a more equitable distribution of women and minorities throughout all job classifications in State employment and in the following pages recommends actions that will remedy the imbalance within a reasonable period of time.

There is heavy reliance on the State affirmative action plan as a satisfactory guide to compliance. The plan, however, is little more than a policy statement and is not sufficient to address the individual needs of each department.

There seems to be little comprehension among State employees of the requirements for and imple-

mentation of basic affirmative action. Technical and administrative knowledge has been ineffectively conveyed to department administrators and frontline supervisors. Hiring and promotion opportunities have not been effectively communicated to minority group members and women in the State.

The Governor has stated his strong commitment to equal employment opportunity (EEO) and affirmative action and requested that each department appoint a high level official to assume EEO responsibilities. Almost every department interviewed expressed a commitment to affirmative action and a desire to improve its agency's record.

Many agencies told the Alaska Advisory Committee that their hands are tied when they attempt to increase equal employment opportunities and affirmative action because they are restricted by the Department of Administration's division of personnel. Yet, there are actions that can be taken within the bounds of the State civil service system. The departments must show initiative in some areas.

There are problems of insufficient guidelines and directives for the State as a whole, insufficient labor force statistics and utilization analyses, and a lack of performance measurements and rewards for compliance or sanctions for noncompliance.

As with many other employers, and as the U.S. Commission on Civil Rights has pointed out in numerous other studies, it is clear that if good intentions were sufficient, affirmative action would be a success in Alaska governmental departments. The findings and recommendations listed on the following pages are directed towards assisting implementation of those intentions.

Availability of Women and Minorities in the Labor Force

Finding 1A

Labor force statistics issued by the Alaska Department of Labor utilize minority categories of white, black, other races, and Spanish-speaking. The "other" category is shown to include American Indians, Eskimos, Aleuts and "Orientals."* The lack of adequate, consistent, and separate statistical details for the Aleuts, Eskimos, American Indians, Asian American and Pacific Islanders, and Hispanics in this State can have significant adverse impact upon those groups in affirmative action planning and programming. The Alaska Department of Labor does not include "Spanish-speaking" in the total population count. They are included in the total minority group count, however, with a notation that some duplication is possible since "Spanish-speaking" may include nonwhite races as well as white.

Finding 1B

Although this was not a focus of the study, the Advisory Committee was not able to determine from the data available the presence of the older or disabled (handicapped) worker in the State work force.

Finding 1C

Analysis of current work force data indicated that data is not collected by job classification and pay level within departments. This makes it difficult for planners and administrators to pinpoint those sections and divisions in their department where minorities or women are underrepresented and to establish goals and timetables to remedy the situation.

Recommendation 1

The Alaska State Department of Labor, in conjunction with the equal employment opportunity division of the Department of Administration, should develop current data on the labor pool for urban and rural areas for the following discrete categories: White (not including Hispanic), Black, Aleut, Eskimo, American Indian, Asian American and Pacific Islander, and Hispanic. Data should also be gathered and published on the presence of the older and disabled (handicapped) workers in the

* The U.S. Commission on Civil Rights uses the category "Asian and Pacific Island American," not "Oriental."

State work force. This data should be displayed by job classification and pay levels.

Finding 2

Errors in the 1970 census count were discovered which resulted in an undercount of Alaskans. Even though a recount was conducted, it is still not certain that the figures accurately reflect the population, particularly Alaska Natives. Census figures are used as the basis for determining labor force availability and participation rates. An undercount would be reflected in the reporting of the number of people available in the labor pool. Since allocation of funds for Federal and State programs is also based on census data, an undercount of any population group could limit monies allocated to provide needed services.

Recommendation 2

The U.S. Commission on Civil Rights should recommend to the Bureau of the Census that measures be taken in the 1980 census to obtain an accurate count of Alaska Natives.

Finding 3

In the past, subsistence patterns have kept them from being considered as part of the State's work force, and the State Department of Labor does not have an accurate count of the number of Alaska Natives available in the work force.

Recommendation 3

The State Department of Labor should revise its population and work force figures to reflect accurately the number of Alaska Natives and their employment status.

Finding 4

The Alaska Native population is not heavily concentrated in Anchorage and Juneau, where more than 50 percent of the State jobs are located. The majority of Alaska Natives reside in rural areas far from the larger urban areas. The necessity for many Alaska Natives to move their families in order to obtain State jobs poses many problems. Access to jobs for Alaska Natives in rural areas is also severely limited.

Recommendation 4

Increased efforts must be made by the Department of Administration and all other departments to recruit and fill positions in rural areas with Alaska Natives.

Recruitment

Finding 1A

There is no adequate recruitment program in the State. Past recruitment efforts and promotional practices have resulted in a limited number of minorities in the overall State labor force and few women in top level positions.

Finding 1B

Familiarity with the types of jobs available in State departments is not widespread among all potential applicants, particularly minorities and women. The current system of job vacancy announcements is not adequate to reach all potential candidates.

Recommendation 1A

The Cook Inlet Native Association (CINA) has developed a comprehensive program for access to State hiring; other groups testifying before the Alaska Advisory Committee apparently have not developed this kind of liaison mechanism yet. The plan is included in this report as appendix B. The Advisory Committee feels that the State's endorsement of the proposed voluntary plan would serve as a model for other Alaska Native associations and minority advocacy groups. The State EEO division should initiate this program and maintain routine contact with minority groups.

Recommendation 1B

The Department of Administration, as the State's recruiter, and each department that recruits for jobs requiring special skills should develop a recruitment program to enlarge their labor pool to include a nationwide search for minorities and women.

Finding 2

Some job classifications require special skills not readily available within the State. Although the policy of the State is to hire Alaskans, a nationwide pool could be utilized to recruit minorities and women for those jobs requiring special skills. Some training programs and university curricula have also begun to be developed to ensure that residents of

Alaska have the opportunity to develop the necessary skills and education to obtain such employment in the future, but they appear to be insufficient to meet the current needs.

Recommendation 2

The University of Alaska should work with the EEO division, Department of Administration, and the State Department of Labor to identify those areas where there are few women and minorities available in the labor pool to develop programs for training women and minorities in these job skills, using funding available from Federal, State, and local programs. Where this approach is deemed unrealistic, recruitment efforts outside the State should emphasize women and minority sources of workers.

Hiring

Finding 1

The application form for State employment presents problems for some applicants who are new to the job market or are reentering after a long period of absence. The director of the EEO division acknowledged that the application form is being revised so that questions will not be misconstrued by minority applicants. She also said that although there are currently no instructions on the application for including experience as a volunteer, the application instructions are being revised to incorporate this, and such information is considered if it is supplied.

Recommendation 1

The Department of Administration should make assistance available to persons filling out applications for State employment. Instructions should be clarified, should be as bias free as possible, and should specify that voluntary, job-related experience should be included and will be considered. The EEO division should work with minority and women's advocacy groups to assist minorities and women in applying for State employment.

Finding 2

Additional data needs that have been identified by State departments by race, ethnicity, and sex which should be but are not currently being met are:

- number of applicants,

- number of applicants tested or assessed on minimal qualifications,
- number of applicants qualifying for the register,
- number of applicants placed on the register,
- disposition of applicants, and
- length of time on the register before being hired.

Recommendation 2

The EEO division should develop a tracking system for job applicants that could be used to determine the number of women and minorities placed in jobs in State government and the length of time it takes to obtain a position after initial application. Such a system could also be used to identify barriers to State employment by documenting the points at which applicants drop out of the application, placement on the register, or interview processes.

Finding 3

A comprehensive analysis of all job classifications to eliminate adverse impact caused by unvalidated selection criteria has not been conducted. Formal validity studies are expensive and lengthy. The State has contracted with outside agencies for technical assistance in the development and validation of selection procedures and instruments.

Recommendation 3

The Department of Administration should continue to analyze job classifications and should utilize findings from Federal and other State studies, where possible, to avoid additional costs and duplication of efforts.

Finding 4

The location of testing sites, primarily in urban areas, presents problems for rural Alaskans.

Recommendation 4

The Department of Administration should make testing available in locations throughout the State when at all feasible.

Finding 5

The way in which an interview is conducted is primarily determined by the supervisor of the position to be filled. This, of course, allows for wide variation among interviews and, more important, means that whether the interview process will

encourage or discourage minority and female applicants depends almost solely on the supervisor's attitude. The division of EEO is currently conducting workshops on this for managers and supervisors throughout the State.

Recommendation 5

The Advisory Committee encourages the EEO division to continue to contact as many managers and supervisors as possible throughout the State on an ongoing basis. Impartial interview boards that include minorities and women should be used where feasible to reduce individual bias in selection procedures.

Finding 6

Oral examinations have been administered in the past for people within the departments who have difficulty passing written exams. Oral examinations if administered only in English may not be helpful for persons with language difficulties.

Recommendation 6

The departments should consider using an interpreter for examinations for those positions in which English language facility would not be a requirement for performance of the job.

Finding 7

No department has a written policy to ensure that the industries regulated and the programs promoted by the department are not discriminatory or exclusionary. There is no contract compliance program, no affirmative action program to encourage participation of minority and women's firms in State contracts, nor a program that allocates set-asides for minority and women's firms at the State level.

Recommendation 7

A contract compliance program should be established by the State legislature for departmental purchasing and contract awards to ensure participation of minority and women's firms.

Promotions and Upward Mobility

Finding 1

There is a lack of statistical information available that identifies underutilization of minorities and women in particular job categories and salary levels.

Recommendation 1

The EEO division must assist departments in identifying problem areas, in developing analyses as a part of their affirmative action plans in problems relating to the underutilization of minorities and females. Each department should create a plan for improving utilization of minorities and females.

Finding 2

Vacancy announcements for promotions are not circulated to all employees across all departments. Only a few people are nurtured and encouraged to apply for promotions.

Recommendation 2

The departmental EEO division should ensure circulation of vacancy announcements to all employees.

Finding 3A

The majority of women employed by the State are in the "pink collar ghetto," employed in clerical and secretarial positions with little chance for promotion to better paying technical and professional positions.

Finding 3B

Women in professional positions have had difficulty advancing to managerial and supervisory positions and receiving equal compensation for equal work, despite the Equal Pay Act. They have also had problems in receiving equal compensation for comparable work. They may have the same "paper qualifications" as their male counterparts, but may not have been afforded on-the-job experience necessary for promotion, nor received the necessary training.

Recommendation 3A

The EEO division should conduct a study of the status of female employees throughout State government related to advancement and equal pay to develop recommendations to address these problems.

Recommendation 3B

The EEO division should work with each department to develop training for advancement and upgrading of skills through management intern programs, tuition reimbursement programs, and other employee development programs as appropriate.

Finding 4

Many Alaska Natives are restricted to lower paying maintenance and technical positions because of requirements for formal education which they lack.

Recommendation 4

The division of EEO and the division of personnel in the Department of Administration should develop a plan for ensuring that qualification requirements described in vacancy announcements are realistic and accurately reflect the qualifications that are necessary to perform the job. They should also allow for substitution of relevant experience for educational requirements and should encourage development of on-the-job training programs in all departments that would lead towards academic accreditation.

Application of Affirmative Action Plans and Enforcement

Finding 1

There are currently no rewards for fulfillment of EEO responsibilities nor sanctions for nonfulfillment. Unless performance is measured in meeting of EEO responsibilities and is taken as seriously as other measures of management performance, EEO will not be seriously implemented.

Recommendation 1

EEO performance must be included in every manager's and supervisor's job evaluation. Managers and supervisors should be evaluated on their efforts and on *results* in this area.

Finding 2

Governor Hammond has stressed the appointment of persons with authority to take charge of the affirmative action and EEO program within each agency to ensure implementation of these programs.

Recommendation 2

The Alaska Advisory Committee endorses the continuation of affirmative action and EEO responsibilities resting within the upper level of departmental authority.

Finding 3

Many departments believe they are limited to selecting from the top five people on the register, although the Department of Administration, division

of personnel, rules allow the hiring authority to select persons below number five if there is a bona fide reason that is justified in writing. Under current regulations, the employment of women and minorities is a valid reason for going below the top five when the department's statistical overview provided by the EEO division indicates underutilization.

Recommendation 3

Selective certification of qualified minority or female candidates should be used in all cases where they are underrepresented.

Finding 4

Impartial interview panels have been used in the past by some departments for initial hire and promotion. Such panels allow for less bias in the selection process than selection by individual supervisors.

Recommendation 4

The Advisory Committee recommends that impartial interview panels that include representatives of minority groups and women be used for initial hire and promotions.

Finding 5

There are no positions in the Department of Administration, division of personnel, nor in any other department that are directly responsible for job counseling for promotion and upward mobility.

Recommendation 5

The division of EEO should work with each department to develop a program for counseling all State employees on the options available to them for promotion and upward mobility. Goals and time-tables should be established for each EEO-4 job category. The EEO division should monitor and evaluate the implementation. It should review all promotions, and if any result in disparate impact on minorities and women, it should be given the authority to deny the promotions until good faith efforts for remedy are demonstrated.

Finding 6

The existence of career ladders varies widely among departments. There is no requirement that career ladders or career plans for lateral movement be developed within each department.

Recommendation 6

The development of career ladders and plans for lateral movement giving a greater experience base should be required of each department and should be an integral part of each department's affirmative action plan. This information should be communicated to all staff and be included in the orientation of new employees.

Finding 7

Job reclassifications sometimes have adverse impact on minorities and women.

Recommendation 7

A job reclassification analysis system should be developed by the EEO division for use in each department. This system should produce information on the number of reclassifications made during the year, who received them, and whether there was a salary adjustment made that resulted in increased pay. In addition, it should describe the preparation the individual was given leading to the promotion. If the analysis shows that there is an adverse impact on minorities and women, then affirmative action should be instituted.

Finding 8

Legislation has been introduced but not passed to establish child care facilities in State office buildings. Provision of child care would eliminate one barrier to the employment in State government of parents with small children.

Recommendation 8

The legislature should reconsider the legislation on child care facilities in State office buildings.

Finding 9

Legislation has been passed allowing permanent part-time employment directed towards homemakers, the older worker, and minorities in rural areas, but it has not been implemented to any great degree.

Recommendation 9

Departments should increase their recruitment efforts to provide the opportunity of permanent part-time positions and advertise the possibility of filling specific jobs in this way.

Finding 10

Employees face problems of sexual harassment on the job and are reluctant to make formal complaints.

Recommendation 10

The Governor should issue an executive order prohibiting sexual harassment of State employees, with provisions for disciplinary action.

State Departments

Note: Not all departments are included in this section. Departments have been highlighted where specific problems were raised during the study.

Department of Commerce and Economic Development

Finding

The Department of Commerce and Economic Development has not taken strong, positive steps to ensure equal access to jobs and promotions. No special recruiting efforts are made to attract minorities to the department, and no positive steps have been taken to increase minority and female representation in higher paying, responsible positions.

Recommendation

The department should work with the EEO division to incorporate positive, constructive actions on recruitment and promotion of women and minorities in its affirmative action plan.

Department of Education

Finding 1

Career ladders have been established to bridge the gap between clerical staff and professional positions but not between mid-level to upper level management positions. Minorities and women are underrepresented in upper level management.

Recommendation 1

The department should design career ladders for upward mobility from mid-level to upper level management positions as a mechanism for increasing representation of women and minorities in the higher level positions. Minimum qualifications for administrative positions should be reviewed so that various kinds of administrative experience can be translated favorably to school administration experience.

Finding 2

The minimum qualifications for teacher certification are dependent upon academic education thereby restricting movement to professional positions. These minimum qualifications are being reviewed for developing alternative ways of measuring experience.

Recommendation 2

The Advisory Committee encourages the department to study and implement criteria for alternative methods of teacher certification.

Finding 3

Staffing bilingual programs remains as a problem throughout the State because of the status of the bilingual instructor. Often the person who is qualified to teach the bilingual aspects of a program does not have a teaching degree. The department has issued regulations mandating comparable salaries between recognized experts and fully certified teachers.

Recommendation 3

The department should work with the University of Alaska, the teacher associations, and the school districts to develop appropriate teacher training programs for teacher aides.

Department of Fish and Game

Finding 1

In recruitment efforts, the department tends to contact the same organizations and universities it has recruited from in the past. This restricts the applicant pool.

Recommendation 1

The department needs to update its recruitment efforts in order to attract more women and minority applicants, especially Alaska Natives in rural Alaska.

Finding 2

The department has responsibility for delivery of State programs in rural areas. Seventy percent of department employees have direct contact with the public. Few of the employees are bilingual-bicultural.

Recommendation 2

The department should increase its efforts to include bilingual-bicultural experience in its job

specifications for positions operating primarily in rural Alaska locations. Alaska Natives should be actively recruited for positions in rural Alaska in the area in which they live. Greater efforts should be made to increase contact with Alaska Native organizations.

Recommendation 2B

Position descriptions should be reviewed for minimum qualifications. Academic education should not be the only acceptable criteria. Applicants may be qualifiable. They could be hired to perform a present job and then receive additional training on the job.

Recommendation 2C

The department needs to develop community education programs that would foster understanding and cooperation and help prevent violations of the law resulting from cultural differences.

Department of Health and Social Services

Finding 1

The delivery of the department's services bring its employees into contact with a large proportion of the public throughout the State. There are not currently sufficient numbers of non-native employees trained in bicultural-bilingual skills nor Alaska Natives in training programs for technical expertise except in the area of provision of emergency services.

Recommendation 1

The Advisory Committee encourages expansion of training programs in other service areas of the department where there is a high degree of contact with bilingual rural Alaska Natives such as corrections (both adult and juvenile), alcoholism, drug abuse, mental health facilities, social services, adoptions, and foster care. The department should increase its recruitment of Alaska Natives in technical training programs.

Finding 2

An impartial review committee has been used in the past to evaluate the qualifications of each of the applicants for promotion for certain positions.

Recommendation 2

The Advisory Committee recommends that such ad hoc committees of local department managers, employees, and community residents be constituted for all promotions and that the committees include representatives of underutilized and underrepresented groups.

Finding 3

The division of corrections has a high proportion of complaints from minority people and women.

Recommendation 3

The division should develop steps to address past alleged discriminatory practices against minorities and women, and should be closely monitored by the administration of the department and the EEO division.

Department of Law

Finding

Recruitment of minorities has not been successful.

Recommendation

The Advisory Committee encourages the Department of Law to continue its recruiting efforts and to broaden its network by expanding recruitment efforts to experienced attorneys already in practice within and outside the State for attorney positions. Expanded recruitment efforts are also needed to increase the number of minorities filling clerical, legal secretarial, and paralegal assistant positions and provide training and educational incentive programs with appropriate support services to minorities and women to advance on the career ladder toward attorney positions.

Department of Military Affairs

Finding

The Department of Military Affairs does not have a current written affirmative action plan.

Recommendation

An affirmative action plan should be developed and submitted to the EEO division, Department of Administration, for review.

Department of Natural Resources

Finding 1

There are no minorities in decisionmaking positions in the Department of Natural Resources responsible for conservation and development of natural resources.

Recommendation 1A

The department should increase its recruiting efforts for Alaska Natives at the decisionmaking level to advise and make decisions based on the knowledge Alaska Natives have of the resources and the land.

Recommendation 1B

An advisory board with Alaska Native representation from each region should be constituted to advise the department on natural resources.

Finding 2

In order to improve the hiring of Alaska Natives, other minorities, and women, school curricula and training programs must be developed in technical positions such as petroleum managers, land managers, and park technicians.

Recommendation 2A

The University of Alaska should work with the Department of Natural Resources to develop curricula for technical positions that will be in demand over the next several decades to ensure that a resident State labor force is available to fill these positions so there will not have to be such heavy reliance on out-of-State labor.

Recommendation 2B

On-the-job training programs should be developed to facilitate minority and women's upward mobility from technical to managerial positions.

Department of Revenue

Finding

There is a lack of bilingual-bicultural personnel within the Department of Revenue, particularly in the field operations in rural northwestern Alaska, for provision of tax preparation assistance.

Recommendation

The department should hire bilingual-bicultural employees to provide assistance in tax preparation in the field offices where such assistance is necessary.

Office of the Governor

Finding

Minorities and females are seriously underrepresented on advisory boards and regulatory commissions in the State of Alaska. The absence of Alaska Natives on boards that advise or regulate areas that affect aboriginal rights is a glaring oversight.

Recommendation

In filling vacancies on boards or commissions, full consideration should be given to minority and female underrepresentation. The talent bank developed by the EEO division should be used to identify qualified candidates. Since these boards and commissions affect public policy, it is recommended that consideration be given to selecting citizen members who represent the public point of view as well as on the basis of technical expertise.

EEO Advisory Committee and the Public

Finding

There has been little public accountability of affirmative action in State departments in Alaska. There are no requirements that recommendations such as those made by the EEO Advisory Committee and other groups be implemented.

Recommendation

The EEO Advisory Committee should meet with the Alaska Advisory Committee to the U.S. Commission on Civil Rights 1 year after publication of this report to assess success in implementing the recommendations made.

Alaska State Legislature

Finding

The blue ribbon commission is reviewing the State personnel system for the Alaska Legislature.

Recommendation

The Alaska Legislature should consider the recommendations in this report when it considers the blue ribbon commission's findings to address affir-

mative action and equal employment opportunity in State government departments. Furthermore, the legislature should be mindful of these considerations in their own staff selections for the Legislative Affairs Agency.

Federal Agencies

Finding

The U.S. Equal Employment Opportunity Commission, Office of Revenue Sharing, U.S. Depart-

ment of Treasury, and the Employment Section, Civil Rights Division, U.S. Department of Justice, all have power to conduct compliance reviews of State departments, yet none have been performed by these agencies in Alaska.

Recommendation

The Commissioners of the U.S. Commission on Civil Rights should request that the above-named agencies conduct compliance reviews of the State departments of Alaska government.

Table 1
Office of the Governor

SALARY RANGE	MALE											FEMALE											TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL	Min. % of TOTAL	TOTAL	% of TOTAL					
Grades 22 - 28 (\$30,528 - \$65,052)	48					1		1	1.7 %	49	84 %	9									9	16 %	58				
16 - 21 (\$21,576 - \$43,404)	38	1		2		1	1	5	5.7 %	43	49 %	37	1		4		1	1	7	8 %	44	51 %	87				
10 - 15 (\$14,328 - \$27,900)	9				1		1	2	2.2 %	11	12 %	51	1	1	3	1	2		8	8.9 %	79	88 %	90				
05 - 09 (\$10,584 - \$18,276)	5									5	9 %	38	4	1	4		2	1	12	21.8 %	50	91 %	55				
TOTAL	100	1		2	1	2	2	8	2.8 %	108	37 %	135	6	2	11	1	5	2	27	9.3 %	182	63 %	290				

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 2
Department of Administration

SALARY RANGES	MALE								FEMALE								ALL EMPLOYEES						
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian		Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL
Grades 22 - 28 (\$30,528 - \$65,052)	21	1						1	4.3 %	22	96%	1									1	4 %	23
16 - 21 (\$21,576 - \$43,404)	86		1	2		1		4	3.2 %	90	73%	33			1				1	.8%	34	27%	124
10 - 15 (\$14,328 - \$27,900)	21	1		2				3	2%	24	16%	119			1	3	1		5	3.4 %	124	84%	148
05 - 09 (\$10,584 - \$18,276)	32	1		6	1	3	1	12	10.1 %	44	37%	51	5		8	6	4	1	24	20.2 %	75	63%	119
52 - 60	34	1			1	5		7	5.6 %	41	36%	66	1	3	5	3	4		16	13%	82	64%	120
TOTAL	194	4	1	10	2	9	1	27	5%	221	42%	270	6	3	15	12	9	1	46	8.6 %	316	58%	537

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 3**Department of Commerce and Economic Affairs**

SALARY RANGES	MALE								FEMALE														
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES
Grades 22 - 28 (\$30,528 - \$65,052)	20									20	87%	3									3	13%	23
16 - 21 (\$21,576 - \$43,404)	69	1	1					2	2.5%	71	88%	10									10	12%	81
10 - 15 (\$14,328 - \$27,900)	14	3						3	3.6%	17	21%	63	2		1				3	3.6%	66	79%	83
05 - 09 (\$10,584 - \$18,276)	5		1					1	1.7%	6	10%	47	1		3	2		1	7	11.7 %	54	90%	60
TOTAL	108	4	2					6	2.4%	114	46%	123	3		4	2		1	10	4.0%	133	54%	247

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 4**Department of Community and Regional Affairs****MALE****FEMALE**

SALARY RANGES	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES
Grades 22 - 28 (\$30,528 - \$65,052)	8									8	89%	1									1	11%	9
16 - 21 (\$21,576 - \$43,404)	25		1					1	2.0%	26	53%	21		1		1			2	4.1%	23	47%	49
10 - 15 (\$14,328 - \$27,900)	8	2						2	4.9%	10	24%	26			1	1	3		5	12.2%	31	76%	41
05 - 09 (\$10,584 - \$18,276)	1	1						1	2.6%	2	5%	29		1	2	1	3	1	8	20.5%	37	95%	39
TOTAL	42	3	1					4	2.9%	46	33%	77		2	3	3	6	1	15	10.9%	92	67%	138

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 5
Department of Education

SALARY RANGES	MALE								FEMALE														
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES
Grades 22 - 28 (\$30,528 - \$65,052)	21									21	88%	3									3	13%	24
16 - 21 (\$21,576 - \$43,404)	47		1					1	13%	48	60%	29	1		2				3	3.8%	32	40%	80
10 - 15 (\$14,328 - \$27,900)	20		1	2				3	3.5%	23	27%	58		2	2				4	4.7%	62	73%	85
05 - 09 (\$10,584 - \$18,276)	18		1	1	1	2		5	4.1%	23	19%	81	4	1	4	2	6	1	18	14.8 %	99	81%	122
56 - 60	7		1					1	10%	8	80%	2									2	20%	10
TOTAL	113		4	3	1	2		10	3.1%	123	38%	173	5	3	8	2	6	1	25	7.8%	198	62%	321

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 6
Department of Environmental Conservation

SALARY RANGES	MALE								FEMALE								TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES		
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian						Eskimo/Aleut*	Other
Grades 22 - 28 (\$30,528 - \$65,052)	15									15	88%	2									2	12%	17
16 - 21 (\$21,576 - \$43,404)	52		1		2			3	4.8%	55	89%	7									7	11%	62
10 - 15 (\$14,328 - \$27,900)	9									9	50%	5			3		1		4	22%	9	50%	10
05 - 09 (\$10,584 - \$18,276)	2		1					1	4.8%	3	14%	15			2	1			3	14.3%	18	86%	2
TOTAL	78		2		2			4	3.4%	82	69%	29			5	1	1		7	5.9%	36	31%	11

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 7
Department of Fish and Game

SALARY RANGES	MALE											FEMALE											ALL EMPLOYEES
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	
Grades 22 - 28 (\$30,528 - \$65,052)	34									34	100 %												34
16 - 21 (\$21,576 - \$43,404)	257		1	3	6			10	3.5%	267	94%	17		1					1	.3%	18	6%	284
10 - 15 (\$14,328 - \$27,900)	99	1		5		2		8	4.7%	107	62%	64				1			1	.1%	65	38%	172
05 - 09 (\$10,584 - \$18,276)	23		1	1	1			3	2.1%	26	18%	105		2	7		2	1	12	8.4%	117	82%	143
52 - 55	10						2	2	16.7 %	12	100 %												12
TOTAL	423	1	2	9	7	2	2	23	3.6%	446	69%	186		3	7	1	2	1	14	2.2%	200	31%	646

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 8**Department of Health and Social Services**

SALARY RANGES	MALE											FEMALE											ALL EMPLOYEES
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	
Grades 22 - 28 (\$30,528 - \$65,052)	37									37	76%	12									12	24%	49
16 - 21 (\$21,576 - \$43,404)	202	6		3	2		1	12	2.9%	214	51%	187	6	3		5	3		17	4.1%	204	49%	418
10 - 15 (\$14,328 - \$27,900)	230	17	6	3	1	12	2	41	7%	271	46%	262	13	5	5	6	21	2	52	8.9%	314	54%	585
05 - 00 (\$10,584 - \$18,276)	48	12	2	1	1	6	1	23	4.4%	71	14%	360	14	5	16	6	45	4	90	17.3%	450	86%	521
51 - 60	50	4	2	2	5	1	2	16	12.5%	66	52%	51	6				3	2	11	8.5%	62	48%	128
TOTAL	567	39	10	9	9	19	6	92	5.4%	659	39%	872	39	13	21	17	72	8	170	10%	1042	61%	1701

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 9
Department of Labor

SALARY RANGES	MALE								FEMALE														
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES
Grades 22 - 28 (\$30,528 - \$65,052)	9	1						1	9%	10	91%	1									1	9%	11
16 - 21 (\$21,576 - \$43,404)	93	1		2	1		2	6	4%	99	67%	46	2		1				3	2%	49	33%	148
10 - 15 (\$14,328 - \$27,900)	106	5	2	3	1	3	1	15	4.3%	121	34.6 %	201	6	2	9	2	7	2	28	8%	229	65.4 %	350
05 - 09 (\$10,584 - \$18,276)	29	2	2	2	1			7	3.8%	36	19%	118	2	4	16	1	6	3	32	17.2 %	150	81%	186
50 - 59	21				1			1	3.8%	22	85%	2			1	1			2	7.7%	4	15%	26
TOTAL	258	9	4	7	4	3	3	30	4.2%	288	40%	368	10	6	27	4	13	5	65	9%	433	60%	719

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 10
Department of Law

SALARY RANGES	MALE								FEMALE														
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES
Grades 22 - 28 (\$30,528 - \$65,052)	74									74	87%	10			1				1	12%	11	13%	85
16 - 21 (\$21,576 - \$43,404)	8	1						1	5.6%	9	50%	9									9	50%	18
10 - 15 (\$14,328 - \$27,900)												60						2	2	3.2%	62	100%	62
05 - 09 (\$10,584 - \$18,276)	1									1	8%	10			1				1	8.3%	11	92%	12
TOTAL	83	1						1	.6%	84	47%	89			2			2	4	2.3%	93	53%	177

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 11
Department of Military Affairs

SALARY RANGES	MALE								FEMALE								ALL EMPLOYEES						
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian		Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL
Grades 22 - 28 (\$30,528 - \$65,052)	3									3	100%												3
16 - 21 (\$21,576 - \$43,404)	16									16	84%	3									3	16%	19
10 - 15 (\$14,328 - \$27,900)				1				1	10%	1	10%	8	1						1	10%	9	40%	10
05 - 09 (\$10,584 - \$18,276)	1									1	6%	16					1		1	56%	17	94%	18
51 - 58	26	4	2	2		3		11	27.5%	37	92%	3									3	8%	40
TOTAL	46	4	2	3		3		12	13%	58	64%	30	1				1		2	22%	32	36%	90

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 12**Department of Natural Resources**

SALARY RANGES	MALE								FEMALE								ALL EMPLOYEES						
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian		Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL
Grades 22 - 28 (\$30,528 - \$65,052)	25									25	96%	1									1	4%	26
16 - 21 (\$21,576 - \$43,404)	100	1		1				2	1.5%	102	76%	30				2	1		3	2.2%	33	21%	135
10 - 15 (\$14,328 - \$27,900)	36				2			2	2.2%	38	42%	51	1						1	1.1%	52	58%	90
05 - 09 (\$10,584 - \$18,276)	6	1						1	1.5%	7	10%	60	1						1	1.5%	61	90%	68
52 - 57	12									12	92%	1									1	8%	13
TOTAL	179	2		1	2			5	1.5%	184	55%	143	2			2	1		5	1.5%	148	45%	332

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 13
Department of Public Safety

SALARY RANGES	MALE								FEMALE								TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES			
	White	Black	Spanish	American Indian	Asian	Eskimo/Alut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian						Eskimo/Alut	Other	
Grades 22 - 28 (\$30,528 - \$65,052)	28			1				1	3.4%	29	100%													29
16 - 21 (\$21,576 - \$43,404)	71						1	1	1.2%	72	89%	9									9	1%		81
10 - 15 (\$14,328 - \$27,900)	23	1		1		1		3	2.2%	26	19%	106	1		2					3	2.2%	109	81%	135
05 - 09 (\$10,584 - \$18,276)	32	1				5	3	9	4.2%	41	19%	146	9	2	6	2	6	2	27	12.6%	173	81%	214	
73 - 79	284	3	1	8		7	3	22	6.8%	306	96%	11	2						2	.6%	13	4%		319
52 - 58	16									16	100%													16
TOTAL	454	5	1	10		13	7	36	4.5%	490	62%	272	12	2	8	2	6	2	32	4%	304	38%		794

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 14
Department of Revenue

SALARY RANGES	MALE								FEMALE														
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES
Grades 22 - 28 (\$30,528 - \$65,052)	27			1				1	3.6%	28	100%												28
16 - 21 (\$21,576 - \$43,404)	44	2						2	2.7%	46	63%	27									27	37%	73
10 - 15 (\$14,328 - \$27,900)	11					1		1	1.3%	12	15%	61	2		2	1		1	6	7.6%	67	85%	79
05 - 09 (\$10,584 - \$18,276)	18			1	1		1	3	2.9%	21	20%	70	3	2	3	1	2	2	13	12.5%	83	80%	104
TOTAL	100	2		2	1	1	1	7	2.5%	107	38%	158	5	2	5	2	2	3	19	6.7%	177	62%	284

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 15
Department of Highways

SALARY RANGES	MALE										FEMALE										ALL EMPLOYEES		
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL		TOTAL	% of TOTAL
Grades 22 - 28 (\$30,528 - \$65,052)	1									1	100 %												1
16 - 21 (\$21,576 - \$43,404)	9									9	90%	1									1	10%	10
10 - 15 (\$14,328 - \$27,900)												1									1	100 %	1
05 - 09 (\$10,584 - \$18,276)												9									9	100 %	9
51 - 57	111	3		4	1	12		20	14.8 %	121	97%	4									4	3%	135
TOTAL	121	3		4	1	12		20	12.8 %	141	90%	15									15	10%	156

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 16
Department of Transportation

SALARY RANGES	MALE								FEMALE								TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES		
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian						Eskimo/Aleut	Other
Grades 22 - 28 (\$30,528 - \$65,052)	124			2				2	1.5%	126	99%	1									1	1%	12
16 - 21 (\$21,576 - \$43,404)	460	3	1	4	2	1		11	2.1%	471	92%	37		1	1	1			3	.6%	40	8%	51
10 - 15 (\$14,328 - \$27,900)	149	2	2	5	2	1	2	14	6.9%	163	80%	38		1	1	1			3	1.5%	41	20%	20
05 - 09 (\$10,584 - \$18,276)	11						2	2	.9%	13	6%	193	5	2	6	3		1	17	7.6%	210	94%	22
50 - 59	560	3	4	24	3	46		80	11.7%	640	94%	34	7			1	1		9	1.3%	43	6%	68
TOTAL	1304	8	7	35	7	48	4	109	6.2%	1413	81%	303	12	4	8	6	1	1	32	1.8%	335	19%	174

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

Table 17
Alaska Court System

SALARY RANGES	MALE								FEMALE														
	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	White	Black	Spanish	American Indian	Asian	Eskimo/Aleut	Other	TOTAL MINORITY	Min. % of TOTAL	TOTAL	% of TOTAL	ALL EMPLOYEES
Grades 22 - 28 (\$30,528 - \$65,052)	11									11	69%	5									5	31%	16
16 - 21 (\$21,576 - \$43,404)	18						1	1	24%	19	46%	21						1	1	24%	22	54%	41
10 - 15 (\$14,328 - \$27,900)	15									15	6%	185	17			1	12	2	32	13.8 %	217	94%	232
05 - 09 (\$10,584 - \$18,276)	9									9	10%	63	7				11	4	22	23%	85	90%	94
TOTAL	53						1	1	.3%	54	14%	274	24			1	23	7	55	14.4 %	329	86%	383

Source: This chart is based on data provided by the Alaska Department of Administration, division of personnel and labor relations, dated 3/10/78, prepared by NWRO.

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Table 18
State of Alaska The Legislature

Legislative Affairs Agency

Permanent Year Around Staff, August 16, 1978

Total Staff All Ranges: 51 (Ranges 10-26)*

Range 22 and above:

Male	13 (attorneys, researchers, directors)
Female	2
Minority	0

Ranges 16-21:

Male	12 (researchers & administrative positions)
Female	10 (two of these are permanent/part-time)
Minority	0

Ranges 10-15:

Male	3 (clerks, machine operators, and secretaries)
Female	11
Minority	0

*Current permanent salary schedule attached. No current vacancies; small turnover.

Temporary Full-Time Staff During Legislative Session (Jan-June 1978)

Chief Clerk & Senate Secretary) (\$99 a day seven days a week, 30-day month = \$2,970)

Total	2
Male	0
Female	2
Minority	0

Administrative Assistants (\$68-\$78 a day seven days a week, 30-day month + \$2,040-\$2,340)

Total	45
Male	27
Female	18
Minority	1 (Female — Indian)

Secretaries (\$52-69 a day seven days a week, 30-day month = \$1,560-\$2,070)

Total	69
Male	0
Female	69
Minority	7 (3 Indian, 2 Eskimo, 2 Negro — All female)

Machine Operators (\$56-\$66 a day seven days a week, 30-day month = \$1,680-\$1,980)

Total	3
Male	3
Female	0
Minority	0

Clerks (\$46-\$56 a day seven days a week, 30-day month = \$1,380-\$1,680)

Total	27
Male	8
Female	19
Minority	4 (3 Indian, 1 Negro — All female)

Table 19
University of Alaska Statewide Summary

Job Classif- ication	Breakdown By Sex									Breakdown By Race														
	Male			Female			Caucasian			Black			Asian			Ak. Native/ Am. Indian			Hispanic			Total Minorities		
	Total	No.	%	No.	%	M	F	Tot. %	M	F	Tot. %	M	F	Tot. %	M	F	Tot. %	M	F	Tot. %	M	F	Tot. %	
Executive/ Managerial	53	50	94	3	6	48	3	51 96	0	0	0	2	0	2 4	0	0	0	0	0	0	2	0	2 4	
Faculty	1073	715	67	358	33	667	335	1002 93	2	7	1	24	6	30 3	16	9	25 2	6	1	7 1	48	23	71 7	
Professional Non-Faculty	409	267	65	142	35	255	132	387 95	0	2	2 1	3	3	6 1	8	2	10 2	1	3	4 1	12	10	22 5	
Clerical	661	44	7	617	93	41	573	614 93	2	14	16 2	1	15	16 2	0	13	13 2	0	2	2 1	5	44	47 7	
Technical/ Paraprofes- sional	313	161	51	152	49	139	138	227 88	4	4	8 3	5	5	10 3	11	5	16 5	2	0	2 1	22	14	36 12	
Skilled Craft	111	100	90	11	10	89	11	100 90	4	0	4 4	2	0	2 2	4	0	4 4	1	0	1 1	11	0	11 10	
Service/ Maintenance	156	91	58	65	42	69	31	100 64	4	10	14 9	10	19	29 19	8	5	13 8	0	0	0 0	22	34	56 36	
Total	2776	1428	51	1348	49	1308	1223	2531 91	16	37	53 2	47	48	95 3	47	34	81 3	10	6	16 1	120	125	245 9	

October, 1977
GWG:LBS

Appendix B

COOK INLET NATIVE ASSOCIATION LETTER TO ALASKA ADVISORY COMMITTEE

RECEIVED OCT 13 1978

Cook Inlet Native



22 NOV '978

Association

October 12, 1978

William Hensley, Chairman
Alaska Advisory Committee
U.S. Commission on Civil Rights
4706 Harding Drive
Anchorage, Alaska 99503

Dear Mr. Hensley:

We at the Cook Inlet Native Association appreciate the opportunity to give testimony concerning our relationship with the State Hiring System. We find this to be a difficult task as it appears that the problem has many facets, therefore, it is necessary to go into detail and create this somewhat lengthy document.

On May 9, 1978 the Cook Inlet Native Association attempted to initiate a "Volunteer Plan" for the State of Alaska, presented on Page 4. Basically this plan calls for the State to go outside its normal department process and coordinate directly with minority organizations such as the Cook Inlet Native Association to enhance its minority participation. Interestingly, it appears that we have had varying degrees of success depending on the attitude of the various departments. Those that chose not to participate, generally, use the State regulations and Affirmative Action Plan as a reason for their inability to cooperate on employment activities. It is our suggestion that a "Volunteer Plan" such as our be given sanction by all subsequent Affirmative Action Plans adopted by either the State of Alaska or individual Departments. Indeed, in the event of severe under-utilization such cooperation might be considered to be mandatory.

It is our opinion, that the State of Alaska has never adequately funded the EEO Office to gather the statistical base for determining under-utilization and each department and sub-unit. It is absolutely essential that this be done before front line supervisor will take it upon themselves to insist upon going outside the normal

1057 W. FIREWEED LANE ANCHORAGE, ALASKA 99503 PHONE (907) 278-4841

William Hensley
October 12, 1978
Page Two

hiring procedure to seek remedial solutions.

Further, in our opinion, to bring the 10% minority participation in the State employment of which Alaska Native participation is approximately 55%, up to an acceptable level, it would probably mean the hiring of some 1500 minorities or more. It appears to the Cook Inlet Native Association that this is a tremendous task and cannot be accomplished without the cultural awareness program implemented statewide with mandatory participation by all supervisors. This should generally guarantee that all supervisors are adequately aware of the overall minority situation in the State of Alaska. Please be advised that it has been our experience that the State Hiring System has been the most difficult for our Association to penetrate.

People coming from rural areas cannot afford to wait for interviews in the urban areas. The frustration, from long periods of waiting, result in these applicants returning to village areas and remaining on the unemployed list. Because few rural Alaskans understand what working a register means, as compared to many urbans, the selection of the top five applicants generally operates against Alaska Natives. It is of concern to us that the vehicle, which allows supervisors to go around this system in situations which they deem necessary is seldom used, if ever. Upon consulting with many of these supervisors we have found that the Personnel Department will not allow the use of this mechanism. It appears that the Personnel Dept. refuses these requests when in reality, the language in this regulation does not leave those discretionary powers in their hands. So, when no firm under-utilization data exists to substantiate a supervisors request and additionally, when the Personnel Dept. refuses to recognize the supervisors discretionary power, it is no wonder that everyone feels frustrated.

Because the State employs approximately 11,000 people it is absolutely imperative in light of, extreme unemployment in rural areas, cultural clashes, and sound economics that the State implement a meaningful, comprehensive, humanistic, and effective recruiting system.

Sincerely,


Jane Lestenkof
Executive Director
COOK INLET NATIVE ASSOCIATION

JL:DP:ra

COOK INLET NATIVE ASSOCIATION

PLACEMENTS OPERATIONAL POLICY

Our system is similar to that used by the Alaska State Employment Service. All available job openings are coded by employer number, placed thus on the bulletin boards, there to be viewed by the potential applicant. If the applicant believes himself to be eligible, he submits his application, appointment is arranged with potential employer.

The employer, after interviewing, completes a response card provided at the time of the interview and sends it here to us at the Service Center.

1. Your participation means your job requests are filed and referrals are then granted interviews until you have retained the best person to fit your needs.
2. For those employers who face EEO problems regarding compliance, we do maintain a complete file of records which may be used by you to substantiate participation.
3. For those employers who have major problems of confidentiality regulation or contractual involvements, our policy permits our providing complete cooperation.

May I reemphasize that we are highly dedicated to assisting both the applicants and the perspective employers in the furtherance of their mutually attainable goals.

"VOLUNTEER PLAN"

May 9, 1978

The Cook Inlet Native Association has a Manpower and Training Division which is designed to guarantee the upper mobility and economic equality of Alaskan Natives and American Indians. Although we have been successful in placing people in the private sector, it has been very frustrating to develop a system wherein we can place people within very large employment structures. The most difficult among these have been the State and Federal governments. Most efforts to correct this situation are hampered largely by regulations and laws concerning employment within these structures. When Cook Inlet first viewed the problems, it was thought that we might attempt to change these laws and regulations that hamper this effort. Upon second consideration, however, we realize that most employment is gained through sensible people coming to an understanding. So the problem is this: How do we get our organizations to communicate freely and sensibly in a coordinated effort without making it a law or regulation?

On April 7, 1978, I met with Patrick L. Hunt, Director of Personnel, and Glen Campbell, Director of Equal Employment Opportunity with the State of Alaska. At that meeting, we discussed what I considered to be "the Cook Inlet Native Association's volunteer plan." After due consideration, all parties agreed that this might be a viable solution to our problem.

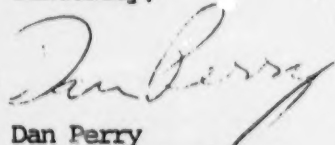
This volunteer system asks all State department heads and department personnel managers, upon identifying underutilization of Alaska Natives or American Indians, to notify my staff or I. We would then do our best to identify a suitable candidate and refer him in person or send his resume to the appropriate agency. If that department was interested, we at Cook Inlet would then make all efforts to walk this person through the recruiting system. Keep in mind that this is not preselection. This is simply a coordinated effort designed to insure that all rural Alaskans have optimum exposure without hampering the existing system.

May 9, 1978
Page Two

If you wish to participate, we will maintain records which may be used by your agency to show the community outreach efforts that you put forth.

My staff or I may be reached at 265-1254. Thank you for the earliest consideration of the above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dan Perry". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dan Perry
Program Manager
Employment and Training Department
COOK INLET NATIVE ASSOCIATION

The following is a statement as to the depth of cooperation received by Cook Inlet Native Association as a result of our "Volunteer Plan".

Office of the Governor

Little to no coordination has developed.

Dept. of Administration

Upon receiving our letter, some coordination has taken effect. We have been invited to receive instruction at the expense of the Administration, on Personnel procedures. Additionally, the trip to Juneau for Orientation and Coordination purposes. We have been given some consideration by the Dept. of EEO in regards to the development of a talent bank. At this time it is not known to what extent CINA's input was incorporated in these plans.

In regards to Local 71 there has been attempts to coordinate our office, Local 71 and Administration. What has occurred at the dispute over who has jurisdiction for EEO compliance, in relation to the job filled by Local 71. The State's position has been that Local 71 should guarantee equal participation. Local 71's position has been that all reporting responsibility belongs to the State. We feel, as Local 71 is clearly a recruiting agency, it obviously has some responsibility. Because that responsibility is quite unclear at this time, it would be advisable to include specific guidelines in any subsequent Affirmative Action Plan adopted by the State.

Although coordination has taken place, no placements has resulted.

Dept. of Law

There has been no outreach effort.

Dept. of Revenue

There has been no outreach effort by this Department.

Dept. of Education

The only coordination effort at this time is through the University of Alaska; Anchorage and Fairbanks, and Cooperative Extension Service. There have been some referrals, however, no placements have resulted.

Dept. of Health and Social Services

Commissioner Burns responded to our letter stating, basically, that she was restricted from utilizing our "Volunteer System" by the State's Affirmative Action Plan, consequently no coordination has developed. Upon reviewing the 1976 report, it shows this department to have approximately 15.5% minority participation. After extracting the Native participation it appears that 45% of the 15.5% are Native Alaskans. This does not reflect the dominate minority positions that

Alaska Natives represent in the State of Alaska. We believe that a deficiency in this area is caused by items outlined by Bruce Gaberding on Page 7.

In reviewing Commissioner Burns Affirmative Action Program dated 1972, we feel that the staff Personnel Officer should not be designated State EEO Officer, because the employee should be allowed some source, outside the normal channels, for solving problems and arbitration. Additionally, it would seem to us to be impractical to have the Personnel Officer do the evaluation of needs and deficiencies, as basically, he'll be evaluating his own program. On external recruitment sources, all this Plan states is the Department will disseminate its Affirmative Action Plan. This doesn't appear to us to be a serious outreach effort.

Dept. of Labor

The Dept. of Labor did respond to our letter, no job openings have been listed with us nor have any placement resulted. The exception, it may be added, is the Employment Security Division, which has cooperated with us for placements outside the organization with some coordination effort for internal positions. There has been success in placements internally, with moderate success on external position.

Dept. of Commerce

Little or no coordination has resulted. No placements.

Dept. of Military Affairs

Little or no coordination has resulted. No placements.

Dept. of Natural Resources

Little or no coordination has resulted. No placements.

Dept. of Fish and Game

A limited amount of cooperation has resulted although no placement has resulted.

Dept. of Public Safety

Limited cooperation, no referrals, no placements.

Dept. of Environmental Conservation

There has been no coordination and no placements.

Dept. of Community & Regional Affairs

Minimal outreach effort, no placements.

Dept. of Transportation-Public Facilities

Minimal coordination through the Anchorage facility, no placements resulting.

Dept. of the Legislature

No coordination, no placements.

Alaska Court System

Minimal coordination and one placement.

Alaska State Legislature

No coordination and no placements.

John Perry
Program Manager

Appendix C

Committees and Boards Appointed by the Governor as of December 31, 1978

	Male						Female						
	x	W	B	N	I	H	A	W	B	N	I	H	A
1. Governor's Committee on the Administration of Justice	9			1				4		1			
2. Governor's Advisory Committee on Aging													
3. Alcoholic Beverage Control Board													
4. Advisory Board on Alcoholism	5							1		2			
5. State Board of Registration for Architects, Engineers and Land Surveyors	9												
6. Alaska State Council on the Arts	3			1				6		1			
7. State Assessment Review Board													
8. Athletic Commission													
9. Board of Barber Examiners	3					1							
10. Bodily Injury Reparations Advisory Committee	10			1			3			1			
11. Bristol Bay Regional Development Council													
12. Capital Site Planning Commission	6			1**				2					
13. Catastrophic Illness Committee	2							1					
14. Board of Chiropractic Examiners	4							1					
15. Alaska Code Revision													
16. Collection Agency Advisory Board	4							1					
17. Commercial Fisheries Entry Commission	10							16					
18. D-2 Steering Council													
19. Board of Dental Examiners	6							1					
20. Alaska State Development Corporation	7												
21. Dispensing Opticians	6							1					
22. Advisory Board on Drug Abuse	3	1	1					4		1			
23. Board of Education*	1	1	1					3		1			
24. Educational Commission on the States	5							2					
Sub Total	94	2	5			1	47	1	6				

* Plus 2 Advisory
 ** Resigned
 x Key

W = Whites
 B = Blacks
 N = Alaska Natives

I = American Indians
 H = Hispanics
 A = Asian or Pacific Islanders

	Male						Female						
	x	W	B	N	I	H	A	W	B	N	I	H	A
25. Board of Electrical Examiners		3											
26. State Emergency Medical Services Advisory Council		6		2				3					
27. Governor's Committee on Employment of the Physically Handicapped		7	2					3					
28. Employment Security Advisory Council													
29. State Energy Policy Committee													
30. Environmental Advisory Committee													
31. Equal Employment Opportunity Committee													
32. Board of Fisheries		5		2									
33. Alaska Fisheries Council		14		1				1					
34. Fishermen's Fund Advisory and Appeals Council		4		2									
35. Board of Forestry													
36. Board of Game		5		1									
37. State Geographic Board		8						3					
38. Alaska Growth Policy Council													
39. Guide Licensing and Control Board		6				1							
40. Board of Hairdressing and Beauty Culture Examiners		1						4					
41. Governor's Council on the Handicapped and Gifted		8		2				9		1			
42. Historic Site Advisory Committee**		1		1				2		1			
43. Alaska Historical Commission		2						1		1			
44. Historical Publications and Records Commission		8						2					
45. Alaska State Housing Authority		2		1				1					
46. Alaska Housing Finance Corporation													
47. State Commission for Human Rights													
48. Alaska International Development Commission*		5											
Sub Total		85	2	12	1			29		3			

* 2 vacancies, appointed by Speaker of House or President of Senate.
 ** Plus Lt. Governor as Chair

	Male							Female						
	x	W	B	N	I	H	A	W	B	N	I	H	A	
49. Investment Advisory Committee		14		1				1						
50. Joint Federal-State Land Use Planning Commission*		17		1				15	2	1	1			
51. Judicial Council		6												
52. Commission on Judicial Qualifications		8						1						
53. Juvenile Justice Advisory Committee		9		1				7		2				
54. Alaska King Crab Marketing and Quality Control Board														
55. Commission on the Conference of the Law of the Sea		7												
56. Advisory Council on Libraries		4		1				4		1				
57. Local Boundary Commission		2		1				2						
58. Governor's Manpower Planning Council**		9	2	2						2				
59. State Manpower Services Council		10	1	2				1	1	5			1	
60. Board of Marine Pilots		6												
61. State Medical Board		6						1						
62. Alaska Medical Facilities Authority Board		4						3						
63. Medical Indemnity Corporation of Alaska		9												
64. State Community Mental Health Services Advisory Council		5		1				4		2				
65. Municipal Bond Bank Board														
66. Board of Nursing								7						
67. Board of Nursing Home Administrators								4						
68. Occupational Safety and Health Review Board														
69. Board of Examiners in Optometry		4												
70. Pacific Marine Fisheries Commission		3												
71. State Board of Parole														
72. Personnel Board		3												
Sub Total		126	3	10				50	3	13	1		1	

* Includes 10 commissioners and 27 staff members, unable to distinguish between commission and staff.
 **4 vacancies.

	Male						Female						
	x	W	B	N	I	H	A	W	B	N	I	H	A
73. Board of Pharmacy		7											
74. State Physical Therapy Board		4						1					
75. Alaska Pioneer's Home Advisory Board		7											
76. Alaska Pipeline Commission		3						4					
77. Alaska Police Standards Council	*	7		1				1					
78. Alaska Commission on Postsecondary Education													
79. Alaska Power Authority		7		1				1					
80. Professional Teaching Practices Commission		6						3					
81. Board of Psychologist and Psychological Associate Examiners		3						2					
82. Alaska State Board of Public Accountancy*		2						3					
83. Alaska Public Broadcasting Commission													
84. Alaska Public Offices Commission		3						2					
85. Alaska Public Utilities Commission		3						2					
86. Real Estate Commission		4	1					2					
87. University of Alaska Board of Regents		6		2				3*					
88. Royalty Oil and Gas Development Advisory Board		5											
89. Alaska Salary Commission		4						1					
90. Small Business Development Corporation of Alaska													
91. Alaska Soil Conservation Board		3											
92. Statewide Health Coordinating Council													
93. Commission on the Status of Women													
94. Alaska Teachers' Retirement Board		4						1					
95. Tourism Advisory Board**		5	2					2					
96. Alaska Transportation Commission		17			1			11	1				
Sub Total		100	1	6	1			39	1				

- * 2 vacancies.
 ** 2 vacancies.
 *** One of which is a student

	x	Male					Female						
		W	B	N	I	H	A	W	B	N	I	H	A
97. Transportation Planning Council	5			1				1					
98. Board of Veterinary Examiners	3												
99. Violent Crimes Compensation Board	1							2					
100. Vocational and Career Education Advisory Council	15			1				3		2			
101. Water Resources Board	5			1				1					
102. Water and Wastewater Works Advisory Board	8												
103. Board of Welding Examiners	7												
104. Western Interstate Commission for Higher Education													
105. Alaska Workmen's Compensation Board	4							1					
106. Yukon-Taiya Commission													
107. Steering Council for Alaska Lands	9			2									
Sub Total	57			5				8		2			
TOTAL		W	B	N	I	H	A	W	B	N	I	H	A
		462	10	36	1	2	0	173	5	24	1	0	1
715													
% of Total:		.65	.1	.5	.1	.3	0	.24	.7	.3	.1	0	.1

Appendix D
DEPARTMENT OF ADMINISTRATION LETTER

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 6 - JUNEAU 99011

November 7, 1978

Ms. Victoria L. Squier
Equal Opportunity Specialist
U.S. Commission on Civil Rights
915 Second Avenue, Room 2852
Seattle, Washington 98174

Dear Ms. Squier:

The following information is presented in response to requests by the Alaska Advisory Committee to the U.S. Commission on Civil Rights concerning applicant selection and test validation for state government positions.

Your questions are presented followed by our response.

1. Please describe the data processing program that has been developed to identify where women and minorities are dropping out of various job classifications.

A very comprehensive software package entitled the Equal Employment Application Reporting System (EARS) was developed by the State of Alaska, Division of Data Processing. This system was designed to provide extensive information on applicants for each job class including the number of applicants of each minority who applied, the number actually hired, etc. Unfortunately, serious design problems in the software made the data very unreliable. The system was temporarily shelved until data processing resources could be allocated to refine or replace the system. At the present time the State EEO Office and the Division of Personnel and Labor Relations are evaluating the feasibility of returning EARS to service.

2. Has an analysis of this data pinpointed particular problem areas? If so, how will these problem areas be addressed?

Without EARS a systematic analysis of applications for minority employment parameters on a large scale is impossible. Specific situations which arise are evaluated by hand collection of data which is keypunched or entered on a computer terminal for analysis. Such an approach does not allow the "big picture" necessary to pinpoint particular problem areas.

3. Are all tests (skills, oral, written, physical) administered for state government position being examined for job relatedness?

4. Who is conducting the review of tests for job relatedness and what are the criteria and procedure for test validation?

The State's interest in selecting high quality applicants predates recent equal employment opportunity legislation. Selection procedures and instruments

historically were chosen or developed on the basis of their ability to select applicants who would be successful on the job. So in an informal sense all procedures were felt to be job related at the time of incorporation. The fact that many procedures and instruments utilized by state and federal merit systems had an adverse impact on minorities is well documented. Recognizing that feeling that a procedure was job related was inadequate, the State began to contract with outside agencies including the U.S. Civil Service Commission for technical assistance in the development and validation of selection procedures and instruments. The requirement for more technical expertise led to the establishment of a test development and validation section in the division of personnel. This section is headed by a Ph.D. level psychologist. This test development and validation section has the express responsibility for examining selection procedures and instruments for job relatedness.

Section 1B of the Uniform Guidelines on Employee Selection Procedures (1978) states that " . . . these guidelines do not require a user to conduct validity studies of selection procedures where no adverse impact results." Consequently, the test development and validation section allocates its resources to those areas in which adverse impact is evident or suspected. Examination procedures which have generally been shown to lack validity have been eliminated (such as non-structured oral exams) or modified pending a formal validation study.

Areas which show adverse impact are subjected to a formal validity study. These studies are both expensive and time consuming. Nationally, validity studies require about one year to complete (varying from a month to over three years) and cost an average of over \$50,000. Obviously, the State of Alaska cannot conduct a formal validity study for all tests although attempts are made to insure job relatedness even in those areas which do not show adverse impact.

The procedure used for a test validation study is selected based on the parameters evident for a particular job class. An entry level professional class would be handled quite differently from a clerical promotional examination. Prediction of supervisory performance requires a different approach than illustrating mastery of data-entry hardware for example. The most appropriate methodology is largely determined by professional judgement. No one methodology (such as content validation) is preferred over another. Each has particularly appropriate applications as well as inappropriate applications. The one basic requirement for any validation study, however, is that a thorough job analysis be conducted.

5. What will be done if it is discovered that a test or portions of a test are not justifiably job related?

When a test is found to be unrelated to performance in the job class for which it is utilized it is, of course, revised, replaced or discontinued. The real question here is how one defines job relatedness. This is a very complex, technical procedure which is at best, poorly understood by the public. Applicants generally respond to the face validity (or lack of it) of an examination. Predictive instruments or those designed to measure constructs shown to be empirically related to job performance are often felt to be unrelated to the job. Another area of confusion for the applicant is that examination procedures are designed to select the maximally qualified and thus

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must have a high enough ceiling to adequately assess even the best candidates. Incumbents, frequently contend that "I don't have to do that in my position" and conclude that the examination is not job related when in fact the procedure is highly predictive of job performance.

For these reasons the best selection procedures will be questioned. The Test Development and Validation Section should thus be prepared to demonstrate the job relatedness of any procedure which may have a disparate impact on minority groups. Further they will seek to minimize the adverse impact of valid selection procedures by considering alternative procedures which are as valid but have less adverse impact.

Very truly yours,


Robert S. Gates
Deputy Commissioner